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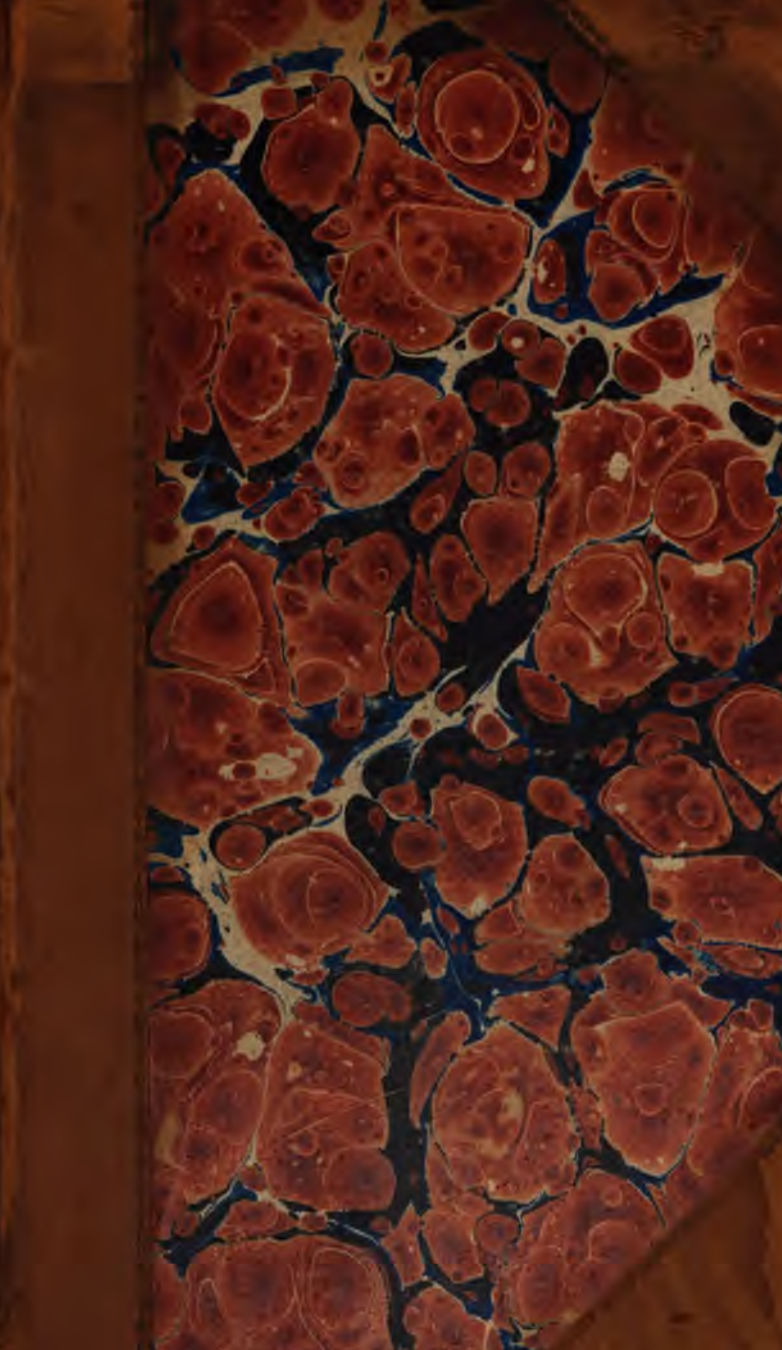
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MANUAL

OF

ROMAN ANTIQUITIES.

BY

THOMAS SWINBURNE CARR,

ONE OF THE CLASSICAL MASTERS IN KING'S COLLEGE SCHOOL.

"Latium retrò te confer in ævum." CLAUD.

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PREFACE.

Est ea nunc ratio vitæ, ut quæ fieri velimus, ea faciliè fieri et commodè debeant. Weber, Præfat. ad Corpus Poet. Lat. p. 7.

PERHAPS in no department of ancient literature has a greater number of works appeared, since the revival of letters, than in the department of Roman Antiquities. The number of works sufficiently bespeaks the importance that has been attached to the subject, while the voluminous nature of many of them may be considered as an acknowledgment of its extent and difficulty.

The reason of this may be easily discovered. The character of the Roman writers, like that of the nation to which they belong, was preeminently practical. Official honours and distinctions were the highest objects of ambition even to the literary and the philosophical * ; whilst the vast extent of the republic and the empire gave unlimited scope to the exercise of every species of talent. Hence their writings are less speculative, less abstract, than those of the Greeks: they stand in more immediate connection with the interests and the business of every-day life.

* Cic. de Oratore, i. 45.

And hence their phraseology, their illustrations, are more strongly imbued with the peculiarities of their government, religion, and popular amusements—with the spirit of political controversy and military domination—with the national predilection for whatever could affect the senses on the great theatre of human affairs.

In writers of such a practical character, and so fully absorbed in whatever absorbed the national feelings and attention, how necessary must an accurate and extensive knowledge of their peculiar institutions and customs be towards understanding the language and the spirit of their writings! The writings of a modern author, who devotes himself to the current topics of the day, become unintelligible in the course of a century; and that, not because his language has become obsolete, but because the allusions to passing events, and illustrations, referring to a different state of society, demand a greater amount of contemporaneous knowledge than can reasonably be expected from the bulk of ordinary readers. How much more strongly, then, must this observation apply to writers living in a state of society which has completely passed away, and which survives only in poetry and historical tradition! If, then, an accurate knowledge of the peculiarities of that state of society has been restored to us by the combined efforts of scholars who have devoted their immediate attention to the subject, it remains with us to apply that knowledge, and to reap the benefits which their labours were intended to bestow.

The study of Roman Antiquities is, therefore, a

separate and independent branch of study. As it cannot be neglected with impunity, so neither can its place be supplied by the mere perusal of notes, however copious or accurate. Notes on detached passages may illustrate the passages to which they refer; but still they do not communicate knowledge in that *general form* which renders it applicable to all passages of a similar nature: much less can a multitude of insulated notes be combined by the reader, so as to give him a *systematic view* of the subject, and the relation which the separate parts bear to the whole.

In making these remarks, it is not the intention of the Author to depreciate the value of notes, or exaggerate the value of "Roman Antiquities," but to show that the province of each is definite and distinct. Let the annotator devote himself to the illustration of the peculiarities of his author—to the elucidation of historical difficulties and grammatical niceties—to points, in fact, that require investigation; and let him not occupy his valuable pages with that more general information which is so easily accessible in Adam and Lempriere.

Granting, then, the importance of this branch of classical study, it must be a subject of regret to the intelligent teacher that he has not hitherto had an opportunity of placing the study of "Roman Antiquities" within the reach of the MIDDLE CLASSES of schools, and the classes *more immediately* above them. The elaborate summary of Dr. Adam cannot adapt itself, on account of its size, to the wants of these classes. It may be stated, as no vain eulogium on the scholastic profession, but as the result of experience, that satis-

factory progress is seldom made in any particular branch of study by the more advanced student, if the ground-work has not been firmly and carefully laid in the "*School.*" There are certain elementary difficulties in every branch of study, to the mastery of which scholastic discipline alone is adequate. When the reading of the student becomes more miscellaneous and discursive, how much labour is converted into "strenuous indolence," through a *defective acquaintance with the very elements of the studies* which he is pursuing!

In the present attempt to supply a *desideratum* on the subject of Roman Antiquities, the Author has adopted the following plan. Two sorts of type have been employed in the text. Whatever is of primary or elementary importance in the study of Roman Antiquities, will be met with in the *larger* type; and whatever is of a subordinate, an illustrative, or a difficult nature, is referred to the *smaller* type or notes. The larger type is principally intended for the convenience of those classes which are commencing the study of Roman Antiquities; and, at a more advanced stage, the teacher can combine the study of the notes, or any portion of them, according to his own discretion. The Author does think that, in making this necessary distinction, he has consulted the convenience both of teacher and pupil, and that he has rendered the work capable of being used more extensively as a class-book for tuition than it otherwise would have been.

Keeping practical utility steadily in view, the Author has appended a series of questions (upwards of

1300 in number), referring *solely* to the information contained in the larger type. In this, also, he has consulted the convenience of the teacher; as it enables him to exact the information either in a *written form* or orally; leaving him at liberty, at the same time, to adopt any other mode which he may deem more suitable. The questions are not constructed upon the *self-answering* principle, but in such a manner as will demand a reasonable amount of reflection on the part of the pupil.

The three great objects which the Author has endeavoured to attain are *completeness, economy of space, and practical utility*. At the first glance, the reader may suppose that some subjects are omitted which form an integral portion of Roman Antiquities. Thus, for instance, he may not meet with any chapter or chapters containing a collection of Roman laws. Now, a collection of the Roman laws would have extended to forty pages; and thus one primary object, economy of space, would have been defeated. But, then, has this branch of Antiquities been omitted or neglected? No. The Author has expended considerable labour in digesting the various laws, and inserting them in those parts of the text to which they refer. In this manner he has economised the space, and, at the same time, has enabled the pupil to comprehend the meaning of the laws full as clearly, by reading them in juxtaposition with the corresponding text.

The primary object of a Manual of Roman Antiquities is to "illustrate the Latin writers, by explaining words and phrases, from the rites and customs to which they refer." The Author has, therefore,

steadily adhered to the plan (adopted by Dr. Adam and all foreign writers on the subject) of connecting the Latin words and phrases immediately with the text. He is aware that the removal of these words and phrases to the bottom of the page would exhibit the text in a more continuous form; but this would deprive the work of no inconsiderable portion of its utility. Nay, so thoroughly convinced is he of the importance of this juxtaposition, in familiarising the pupil with the Latin words and phrases, that he has embraced every opportunity of repeating them wherever they could strike the attention of the pupil. Again, when the reader is obliged every moment to glance from the text to the bottom of the page, frequently losing himself amidst a multitude of references and a mass of illegible type, he discovers, at the cost of his own experience, that a *continuous text* by no means insures *continuous reading*.

In order to render the dates connected with particular laws and circumstances somewhat more useful, the Author has appended a brief Chronological Table. By reference to this chronological table the pupil can immediately attach any particular law or circumstance to the series of historical events to which it belongs. In fact, the author has taken every opportunity of connecting *the study of Roman history* with the study of Roman Antiquities. If any difference should be observed between the dates assigned in the text and the chronological table to particular events, preference may be given to the chronological table.

The Index, which combines the English with the Latin, has been constructed with a view to facility of

reference. The italic *n.* indicates that the phrase is to be met with in the notes; and if more than one note occurs in the page to which reference is made, the *letter* is also added which distinguishes the note. The descriptive matter, occasionally given, defines the purport or bearing of the passages referred to, and will thus prevent the reader from needlessly consulting those which are irrelevant to his inquiries. Some attention has been also paid to the selection of *wood* engravings; and it is hoped that they are executed with spirit and fidelity.

With these remarks, and these explanations, the Author now submits the work to impartial criticism, being confident that he has spared no pains to deserve its favourable award. He has laboured throughout to verify the accuracy of his statements, and to give to the work an interest of unity and connection. Though he has diligently perused the writings of others on the same subject, yet much has been derived from his own reading; whilst in plan, in combination of materials, the present work bears no resemblance to any British or foreign work that has hitherto appeared. Among the works to which he has been indebted, it would be unpardonable not to mention Hoffman's *Science of Antiquity*, *Leipsig*, 1835; and the valuable edition of Dr. Adam's *Roman Antiquities*, by the Rev. J. R. Major, *London*, 1835.* The other works are specified in the text.

* As far as our knowledge extends, Dr. Adam appears to have been the first who took up the subject of Roman Antiquities, in a strong practical point of view, as an instrument of classical education. Numerous other works had appeared previous to

The study of a work on Roman Antiquities is not the study of a day or a week. To the classical student it is a neverfailing companion ; it is his *lexicon rerum*, in the same manner as his dictionary is his *lexicon verborum*. When the student has made himself master of Roman Antiquities, he will then see whether the works on this subject "might not (to use Dr. Adam's words) serve as a *key* to all the classics."

Dr. Adam's, but none of them had been equally successful in applying the study of Roman Antiquities to the illustration of classical phraseology. How far the public has sanctioned his mode of treating the subject may be deduced from the fact that his work, since its first appearance in 1791, has gone through eleven editions, the *twelfth* having appeared in 1835. It was translated into German by *Meyer* ; and, notwithstanding the proverbial activity of the Germans, in every department of classical literature, the fourth edition has appeared, *Erlangen*, 1832, 2 bde. 8vo. It was also abridged by the same translator : the sixth edition of the abridgment appeared in the same year. The work of Dr. Adam, however, had got into considerable arrear of the present advanced state of knowledge, as must be the case of every standard work, with a progressing literature. This defect, however, has been carefully remedied in the last edition, by the Rev. J. R. Major, to which we have alluded. The text has been diligently corrected in numerous instances. Much information has been brought together on points connected with the constitutional history of Rome ; and, wherever the Editor had an opportunity of imparting interest to the work by more classical and general illustrations (for which no man possesses more ample resources), he has not neglected it.

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ROMAN ANTIQUITIES.

CHAPTER I.

THE CITY.

THE CHANGES IN THE CITY.—REGIONES.—GATES.—FORA, OR MARKET PLACES.—HILLS, BRIDGES, ROADS.—CAMPL.—TEMPLES.—BASILICÆ, CIRCI, PORTICOS.—AQUEDUCTS.—LIMITS OF THE EMPIRE.—ITALY.

WE learn from history that the city of Rome was built by Romulus and Remus (grandsons of the Alban king Numitor), in Latium, a district of central Italy, not far from the mouth of the Tiber, in the third year of the sixth Olympiad (according to Varro), or 753 B.C.* At its first origin the city was but of small extent, and the Palatine mountain, upon which it was built, was sufficient to embrace it; whilst the number of inhabitants did not quite amount to 4000. This older portion of the city was termed *oppidum*, and the better built portion, superadded to it in later times, was called *urbs*, which afterwards became the general designation of Rome.

* In order to convert a year of the city, whose number does not exceed 753, into the year before Christ, or *vice versa*, we must subtract the given number from 754, and the remainder will give us the year A.C. For instance, Carthage and Corinth were destroyed A.U. 608, i.e. $754 - 608 = 146$ A.C. If the year of the city be greater than 754, then 754 must be subtracted from it, and the remainder will give us the year after Christ, or A.D. Thus, Pompeii and Herculaneum were destroyed 834 A.U., or 80 A.D. (i.e. $834 - 754 = 80$.)

The Capitoline^b was built upon next after the Palatine, and in course of time five other hills or eminences were included; and hence the city acquired the well-known epithet of the "seven-hilled city" (*urbs septi-collis, septemgemma, ἑπταλοφος*). Its first walls were very inconsiderable, but were afterwards improved by Tarquinius Priscus and Servius Tullius. A space of ground was left free from buildings both within and without the walls (*pomærium*), and those only were allowed to enlarge the city (*pomærium proferre*) who had extended the limits of the empire. This was done by Sylla (A.U.C. 674), Augustus (746); some say, also by Julius Cæsar (720), &c.; and the last who did it was Aurelian. How much more extensive were the walls of Honorius and Aurelian than those of Servius Tullius may be seen, at once, by consulting a plan of Rome.^c

^b When *Quirium*, the town of which the Capitoline may be considered as the citadel, was united to the more ancient town, the two towns agreed to have only one senate, one popular assembly, and one king, who was to be chosen alternately by the one people out of the other. Henceforward the two nations were named, on all solemn occasions, as united, *populus Romanus et Quirites*; properly, according to the old Roman usage of combining such names by mere juxtaposition, *populus Romanus Quirites*; which, in later times, was distorted into *populus Romanus Quiritium*. By this union, Romulus was converted into *Quirinus*; and *Quirium* probably became that mysterious Latin name of Rome which it was forbidden to utter. Niebuhr, *History of Rome*, vol. i. p. 252. In the same manner, *Priscus* was certainly the name of a people, just like *Cæcus*, and after the very same manner did it acquire the meaning of primitive and old-fashioned; the *Prisci Latini* are the *Prisci et Latini*, like *populus Romanus Quirites*. Ib. p. 324.

^c "The word *pomærium* itself seems properly to denote nothing else than a suburb taken into the city, and admitted within the range of its auspices. From the statement of Tacitus, that of Romulus ran from the *Forum Boarium*, i. e. from the neighbourhood of the Janus, through the valley of the Circus; then from the *Septisœnium* to below the baths of Trajan; thence, finally, perhaps, along the *Sacra Via*, to the Forum; here was a swamp reaching to the Velabrum." — Niebuhr, i. p. 246.

The most important changes which the city underwent, and which contributed so much to its enlargement, were the following. The first change was effected through the conquest and burning of the city by the Gauls under Brennus (390 B. C.); for the most ancient city consisted merely of thatched cottages (*casæ, tuguria*). Numerous edifices were afterwards erected in the reign of Augustus, who boasted "that he found the city of brick (*lateritiam*) but left it of marble;" and, also, after the burning of the city under Nero. During these two latter periods the enlargement and beautifying of the city made its most rapid progress; and it was still further improved under the succeeding emperors down to the reign of Honorius. During his reign the city was plundered and laid waste by the Goths under Alaric (410 A. D.); but this devastation was, in a great measure, repaired by Theodoric. Nevertheless it had lost much of its ancient magnificence; and it suffered still more severely from the destroying hands of the Gothic king Totila (547 A. D.), and continued to languish and decline during what are termed the middle ages.

In the most flourishing period of Rome, from the decline of the republican to the commencement of the monarchical form of government, the population of the city was very great; the number of citizens might, without exaggeration, be estimated at 300,000; whilst the number of all the inhabitants might be reckoned from 2,000,000 to 2,500,000. Ancient Rome was originally divided into four, and from the time of Augustus into fourteen, districts (*regiones*); and this latter division is generally adopted by topographers for the sake of convenience. The names of these districts are:—*Porta Capena, Coclimentium, Isis et Serapis* v. *Moneta, Templum pacis* v. *Via Sacra,*

Esquilina cum turri et colle Viminali, Alta Semita, Via lata, Forum Romanum, Circus Flaminius, Palatium, Circus maximus, Piscina publica, Aventinus, Trans Tiberim.

Amongst the gates of Rome, which originally were only four in number, but in the time of Pliny amounted to 37, and in the reign of Justinian only to 14, the most celebrated were the *porta Curmentalis*^d, through which the Fabii went who fell at Cremera (hence termed *Scelerata*); the *porta Collina*, through which the Gauls entered Rome, and to which Hannibal rode up and threw a spear within the city; the *Trigemina*, through which the three Horatii passed; the *Tiburtina*, *Cælimontana*, *Triumphalis*, *Latina*, *Capena*, *Ostiensis*, and the *Flaminia*, through which the Flaminian road passed, leading to Ariminum and Aquileia.

^d All the Roman gates had two arches (*jani*), one for such as were going out of the city, and the other for such as were coming in: each kept to his right hand, and no Roman, whose mind was swayed by the faith of his ancestors, went out of the city by this gate: — “*Carmenti portæ dextro via proxima Jano est: Ire per hanc noli quisquis es: omen habet.*” *Ov. Fast. ii. 201.* Into the town, through the other arch, every person came without scruple; as we see by the procession in the second Punic war. *Livy, xxvii. 37.* This gate, from a certain religious notion, was never shut. *Nieb. ii. 195. 291.*

Amongst the markets or public places (*fora*), of which there were nineteen in number, we may particularly remark the *Forum Romanum* v. *magnum*, instituted by Romulus, 705 ft. in length, and 470 ft. in width. Here the popular assemblies were held, justice administered, and public business transacted.^e It was surrounded with porticos and shops, chiefly occupied by bankers (*argentarii*); and hence the phrases *in foro versari*, to trade; *fidem de foro tollere*, to destroy public credit; *foro cedere*, to become bankrupt.

^e Augustus erected a gilt pillar in the forum (*milliarium au-*

rum), where all the military ways terminated. The miles, however, were not reckoned from it, but from the gates of the city. They were marked on stones; hence *ad tertium lapidem*, three miles from the city. Notwithstanding the excellence and durability of the Roman roads (*publicæ viæ*, in opposition to the *privatæ, agrariæ* v. *vicinales, quia ad agros et vicus ducunt*), yet the streets of Rome were, for a long period, only partially provided with pavement, and were entirely destitute of any separate path for the convenience of pedestrians, unless where that deficiency was supplied by the porticos in the front of the houses.

As the public courts (*basilicæ*) were also built around this open space, hence, in *foro esse*, to be engaged in public business, *fori tabes*, the rage of litigation, *in alieno foro litigare*, to follow a business one does not understand; and hence we make use of the phrase, *forensic eloquence*, to express the eloquence of pleaders or barristers.^f We may also mention the *Forum Cæsaris, Augusti* [the third, hence *tria fora*, Ov. Trist. iii. 12. 24.] *Nervæ, Trajani*, and that there were market places for the sale of particular commodities, as the *Forum Boarium* for the sale of cows and oxen; the *olitorium* for the sale of green groceries; the *Macellum, piscarium*, &c. The *forum Romanum* was sometimes covered with awnings (*vela* v. *velaria*).—*Burton's Antiq. of Rome*, i. p. 207.

^f In the forum there was a pillar (*columna Mænia*) erected in honour of C. Mænius. After his victory over the Antiates (A. U. 417), he attached the brazen beaks of their ships to the tribune or pulpit in the forum, which was consequently termed *rostra*. Hence, *in rostra ascendere*, to mount the tribune; *in rostris dicere*, to speak from it. Near the rostra stood a statue of Marsyas, erected in order to deter unjust litigants; for having challenged Apollo at singing, and being vanquished, he was flayed alive. *Liv. xxxviii. 13. Ov. Fast. vi. 707.*

The seven hills^g upon which the city was built, were as follows:—the *Mons Palatinus*, upon which was built the residence of the Emperors (*palatium*), and the golden house of Nero; *Capitolinus*, upon which the edifice of the capitol was built, containing three tem-

ples or chapels (*ædes* v. *delubra*) sacred to Minerva, Jupiter, and Juno; *Collis Aventinus*, bearing also the names of *Murcius*, *Collis Dianæ*, and *Remonius*; *Quirinalis*, so called from a temple of Romulus (*Quirinus*); *Cælius*, afterwards the Lateran, and long the residence of the popes; *Viminalis*, from the thickets of osiers (*Vimineta*) which grew there; and the *Esquilinus*, containing the temple of Juno *Lucina*. The Vatican mount, not included amongst the seven, is now the principal place in Rome, containing the Pope's palace, St. Peter's church (*Basilica Vaticana*), and the celebrated Vatican library, the richest in the world.

* On the *Septimontium*, a festival celebrated in December, and preserving the remembrance of a time when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome, see *Nieb.* i. p. 334.

Amongst the bridges over the Tiber, which flows into the city on the northern side, the most familiar are the *Pons Milvius*, *Ælius*, *Aurelius*, *Fabricius*, *Cestius*, *Palatinus* v. *Senatorius*, of which some arches are still standing, and the *Pons Æmilius* v. *Sublicius*, so called because first made of wood (from *sublicæ*, stakes), but afterwards of stone by Æmilius Paulus.

This was the first bridge ever constructed in Rome, and was the work of Ancus Martius, the fourth king. It was here that Horatius Cocles withstood the army of Porsena till the bridge was broken down behind him. Bridges were the usual resort of beggars; so Juvenal, speaking of a miser's fare (xiv. 134.), says, *Invitatus ad hæc aliquis de ponte negaret.*

There were thirty-one public roads (*viæ publicæ* v. *militares*^b) leading out of Rome; the *Via sacra*, *Appia* paved with the hardest flint (*regina viarum*, Stat. Sylv.), *Æmia*, *Valeria*, *Flaminia*, &c. The principal

streets in the city were also termed *viæ*; and the rows of houses on both sides of them, separated from each other by smaller streets and thoroughfares, were called *vici*, of which there were 424 in number. They had also particular names, as, for instance, the *Vicus albus*, *Jugarius*, *lanarius*, *Tiburtinus*, *Junonis*, *Minervæ*, &c. The large open places for the holding of public assemblies, the exhibition of gladiatorial games, were termed *campi*, and amounted to 19 in number. The *comitia* were held in the *Campus Martius*, for the election of magistrates; hence, *nota campi* is used for a repulse, and Lucan makes use of *venalis campus* (i. 180.) to express the votes that might be bought for money. Places for exercise were chiefly situated in the *Campus Martius*, to which the poets and orators make frequent allusions; *latissimus dicendi campus*, a large field for speaking.—*Cic. Off. i. 18.*

^b Though the Romans borrowed most of their knowledge of the earth from the Greeks, yet, without contemplating the improvement of geography as a science, they have contributed as much as the Greeks to our instruction in this department, by their road-books (*itineraria adnotata*) and road-maps (*itineraria picta*). These books either contained the distance of single places, marked out those where the imperial posts were stationed (*mutationes*), or, besides giving the distance of the places along the road, they contained marks or representations by which it might be distinguished whether the place was a capital town, a garrison, or a colony. They also distinguished the mountains and rivers which intersected the provinces, as well as the barbarian nations which dwelt on the confines of the empire. To the class of *Itineraria adnotata* belong the *Itineraria duo Antonini*, *Provinciarum Romanarum libellus*, *Itinerarium Hierosolymitanum*. Of the *itineraria picta* the only one now extant is the *Tabula Peutingeriana*. Chorography gained in accuracy by the geometrical survey which was commenced under Cæsar, and terminated under Augustus, who prosecuted statistics in order to acquire a proper knowledge of the resources of the empire: *breviarium imperii*. (Plin. H. N. iii. 8. Suet. Oct. 101.) From the goodness of the roads, &c. travelling was performed very expeditiously. "Cæsarius, a magistrate of rank, in the reign of Theodosius, went post from Antioch to Constantinople. He began his journey at night, was in Cappadocia, 165 miles from Antioch, the ensuing evening, and arrived at Con-

stantinople the sixth day, about noon; the whole distance being 725 Roman or 665 English miles." (*Gibbon*, ch. ii.) Couriers wore a white feather (*Mart.* x. 3.) when they brought good news, and a black one (*fumosa penna*, *Stat. Sylv.*) when the news was bad.

Amongst the public buildings of ancient Rome, the Capitol was one of the oldest and most magnificent, being commenced by Tarquinius Priscus, and continually enlarged and beautified in after-times.ⁱ The very gilding of it by Domitian is said to have cost 12,000 talents, i. e. 1,976,250*l.* The ascent to the capitol from the forum was by 100 steps supported by 100 pillars.

ⁱ The capitol was consecrated by Horatius (*Liv.*, ii. 8.) on the ides of September, which formed the commencement of an era, for keeping account of which a nail was driven in there on the same day of every year. (*Nieb.* i. p. 438.) We have stated that the capitol contained three chapels (*ædes, cellæ*) or temples. That of Jupiter was in the middle; hence he is called *Mediæ qui sedet æde Deus.* (*Ov. Pont.* iv. 9. 32.) The temple of Minerva was on the right; whence she is said to have obtained the honours next to Jupiter (*proximos — occupavit Pallas honores*, *Hor. Od.* i. 12. 19.); and the temple of Juno was on the left. "The Capitoline hill had two summits, distinguished formerly by the terms *arx* and *Capitolium*; and in the space between these two summits (*Intermontium*) was the spot where Romulus opened the Asylum." — *Burton's Antiq.* i. p. 108. 116.

There were more than 400 temples in Rome; amongst which we may mention the *Pantheon*, dedicated, as the name imports, to all the gods; the temple of *Apollo*, containing a public library, and much frequented by authors, particularly poets, who recited their verses, and rhetoricians, who read their declamations (*commissiones*, because the poets and orators were said *committi, committere opera*, to be matched or contrasted); the temple of *Janus*, shut in the time of peace and open in the time of war (*index pacis et belli*)^k; the temple of *Mars* the Avenger (*ultor*), built by Augustus, and in which were suspended the standards taken from Crassus by the Parthians, but

afterwards restored by Phraates, the Parthian king, to Augustus, along with the captives. We may also mention the temples of Peace, Concord, of Manly Fortune, of Venus and Rome, and of *Minerva Medica*.

* It may tend to impress us with a juster notion of the military genius of the Romans, by observing that the temple of Janus was only shut during the long reign of Numa; secondly (A. U. 519), upon the conclusion of the first Punic war; thirdly, by Augustus (725); and twice more by the same emperor (729); and again about the time of our Saviour's birth; then by Nero (611); afterwards by Vespasian (824); and lastly by Constantius, when, upon Magnentius's death, he was left sole possessor of the empire (1105). *Vide Casaubon, Not. ad Suet. Aug., cap. 22.* When the two cities (*Quirium* and *Roma*) were united on terms of equality, they built the double Janus (*bifrons, biceps*) on the road leading from the Quirinal to the Palatium, with a door looking towards each city (see p. 2.), as the gate of the double barrier which separated their liberties.—*Nieb. i. p. 250.*

The sacred groves (*luci*) amounted to 32, and for the most part were included within the walls of the city. The *Curia* were made use of not only as places of assembly for the senate, but also for religious purposes: *Curia Romana, vetus, Hostilia, vallensis, &c.* The *Basilica*, of which there were 14 in number, were buildings of great beauty, appropriated for the meetings of the senate, for the administration of justice, and the transaction of other public business:—*Basilica vetus, Æmilii Paulli, Constantiniana, Sicinia, Julia, &c.* Very considerable, too, were the buildings for public bathing (*Thermæ*), particularly in the time of the Emperors; as the *Thermæ Commodianæ, Severianæ, Titi, Trajani, Diocletiani, Caracallæ*.¹ These latter were most distinguished by their beauty and size; the baths (*balnea*, as contradistinguished from the imperial *thermæ*,) were far more numerous, but of less importance.

¹ The length of the *Thermæ* of Caracalla was 1840 feet; its breadth 1476 feet. At each end were two temples, one to Apollo

and another to Æsculapius, as the *genii tutelares*."—"In the principal building were, in the first place, a grand circular vestibule with four halls on each side, for cold, tepid, warm, and steam baths; in the centre was an immense square for exercise when the weather was unfavourable; beyond it, a great hall, where 1600 marble seats were placed for the convenience of the bathers; at each end of this hall were libraries."—"The whole was bounded by a vast portico opening into *exedra* (Vitruv. 5. 11. 2.), or spacious halls, where poets declaimed and philosophers gave lectures." (*Eustace's Classical Tour*, i. p. 395.) These recitations, in the absence of literary journals, were almost the only means by which attention could be attracted to a work, or the reading world be prepared to give it a favourable reception on its first appearance. (*Manso's Vermischte Aufsätze*, p. 279.) Yet it cannot be denied that this system had an unfavourable influence upon literature, by substituting a brilliant and declamatory style for one reposing upon the truth of nature, displaying vigour and fidelity rather than exaggerated ornament.

The *Circi* were buildings appropriated for the celebration of the public games, amounting to nine in number; the most important was the *Circus Maximus*, capable of containing, according to Pliny, 250,000 spectators. Similar to them were the *stadia*, *hippodromi* (for contests in running or racing), but of less size and importance. The theatres were made use of for the enacting of plays and the contests of artists: the theatres of Pompey, Balbus, and Marcellus (*tria theatra*) are the most celebrated. Gladiatorial games were exhibited in the amphitheatres; the largest of which was the *Colosseum*, built by Vespasian, and capable of accommodating 87,000 spectators. In the *Odea*, spacious buildings adorned with statues and pillars, musical contests took place, and poems were recited, after the manner of the Greeks. Those built by Domitian and Trajan are the most worthy of notice.

The *Ludi* were schools for exercise in fencing, wrestling, throwing the quoit (*discus*); amongst which the *ludus magnus*, *matutinus*, *Dacicus*, and *Æmilius* are the most familiar. They were also termed *Palestræ*, *Gymnasia*, *Xysti* (places for exercising the *Athleta*

and *Pancratiastæ*, who both wrestled and boxed, *πανκράτος*, i. e. *omnibus viribus*), and were chiefly situated in the *Campus Martius*. The *Naumachię* were places for the exhibition of naval engagements; and lastly, there were great public buildings, called *Nymphęæ*, adorned with statues of the Nymphs, and abounding with fountains and waterfalls.

The porticos or colonnades (*porticus, στωα*), consisting of a series of pillars separated from each other by greater or less intervals (*intercolumniis*) which were sometimes filled with statues, were very numerous in Rome. They were generally annexed to other public edifices, from which they derived their names; as *Porticus Concordiæ, Apollinis, Quirini*; and also sometimes from their builders, as *Porticus Pompeia, Livia*, &c. They served, at the same time, for protection against the sun and rain, and here authors recited their works^m, and philosophers used to dispute. Hence Zeno's disciples were called *Stoics*, because their master taught in a portico (*στωα*) at Athens; so *Chrysippi porticus*, the school of Chrysippus, *Hor. Sat. ii. 3. 44*. The most splendid portico was that attached to the temple of Apollo on the Palatine, supported by pillars of Numidian marble, enlivened with exquisite paintings and statues, and emblazoned with brass and gold. It enclosed the library and temple of Apollo, so often alluded to by the writers of the Augustan age. The greatest portico extended to a mile in length (hence termed *Milliaria*).

^m Hence Juvenal speaks of the pillars being shattered by these assiduous vociferators: —

——— “*Convulsęque marmora clamant
Semper et assiduo ruptę lectore columnę.*” (i. 12.)

The triumphal arches (*arcus triumphales*), of which

there were about 36, were for the most part very magnificent, especially those of Nero, Trajan, Titus (commemorating the destruction of Jerusalem), Septimius Severus, and Constantine. Single pillars (*columnæ*) were also erected in commemoration of remarkable victories or persons, and surrounded with figures in bas-relief; thus we have the columns of Duilius, Trajan, Antoninus, &c.ⁿ Very lofty obelisks were transported from Egypt to Rome by Augustus, Caligula, Constantius II., and others; the loftiest of which is that in front of St. John Lateran (132 feet high), one solid piece of red granite, covered with hieroglyphics. There were innumerable statues too, not only in the temples of the gods, but also to be met with in many public places in and about the great buildings; amongst which there were no less than 80 of colossal size.

ⁿ The foot of a column is called the base (*basis*); the part of a column on which it stands is called its pedestal (*stylobates v. -ta*); the top, its chapter or capital (*epistylum, caput v. capitulum*); and the straight part its shaft (*scapus*). — Pope Sextus V. caused the statue of St. Peter to be erected on Trajan's pillar, and of Paul on that of Antoninus. The inscription on this latter pillar is modern and erroneous; and it is now universally agreed that the pillar was erected to Marcus Aurelius by the senate. The pillar (as appears from an ancient inscription found near the place) was called *centenaria*. The bas-reliefs are entirely devoted to the exploits of M. Aurelius. (*Burton's Antiq.* i. p. 198.) The insignificant idle persons (*turba forensis*) who loitered about the pillars, the *Rostra*, and courts of justice, were called *Columnarii*, *Subrostrani*, *Subbasilicarii*.

Amongst the wonders of Rome, we may also mention its *aqueducts*, built at prodigious expense, carried through rocks and mountains and over vallies, supported on stone or brick arches. There were 14 greater ones, of which the *aqua Appia*, *Marcia*, *virgo*, *Claudia Septimia*, and *Alsietina* are the most familiar. Some were above 60 miles in length; as, for instance, the new Anio (63 miles and 700 paces). Of this 49 miles, 200

paces consisted of a subterranean stream, and 9 miles 400 paces were above ground, of which last the higher part consisted of a conduit, built by opening up the surface of the ground (*substructio*), and a continued series of arches (*arcuatum opus*). When all the aqueducts were in operation, the quantity of water must have amounted to 50,000,000 cubic feet.* There were also smaller reservoirs or *lacus* adorned with statues and other ornaments of sculpture.

* The person who examined the height from which water might be brought was called *Librator*, and the instrument, which he made use of, *Aquaria libra*; hence, *Omnes aquæ diversâ in urbem librâ perveniunt*, they all come from a different height or level. (*Frontin.* i. 18.)

Of similar costliness and durability of structure were the sewers (*Cloacæ*) for carrying off the impurities of the city into the Tiber; the largest of which was the *Cloaca Maxima*, the work of Tarquinius Superbus. Pliny calls them '*operum omnium dictu maximum*' (xxxvi. 13.); the city by means of them being navigable underneath. Amongst the sepulchral monuments erected with great magnificence, we may mention the *Mausolæum* of Augustus, pyramidally shaped, with two Egyptian obelisks at the entrance of the vault—and the *Moles Hadriani*, the "noblest sepulchral edifice ever erected."

The number of private buildings (which were called *domus* when contiguous to one another and *insula* when they stood alone or when many buildings belonging to the same proprietor^p were connected with each other but separated from the rest) was estimated in the most flourishing period at more than 48,000. Amongst them were very magnificent buildings built partially of marble and adorned with statues and porticos. The palaces of Julius Cæsar, Mamurra,

Junius Verus, Cicero, and Augustus, the *aurea domus* of Nero, the palaces of Licinius Crassus, Aquilius, Catulus, Æmilius Scaurus, Trajan, Hadrian, &c. are especially worthy of notice. — The country houses (*villæ*) of the Romans were also very beautiful buildings, especially the *villæ urbanæ* or *prætoria*, to which were superadded all the beauties of horticulture.^q In this respect the villas of Lucullus, Augustus, Mæcenas, Hadrian, &c. were the most considerable. The gardens at Rome, most frequently mentioned in the classics, are the *horti Cæsaris*, *Luculli*, *Neronis*, *Pompeii*, *Sallustii*, *Senecæ*, &c.

^p *Dominus*, in opposition to *Inquilinus*, a tenant, occupier, or lodger: — At vero te *inquilino*, non enim *domino* personabant omnia, *Cic. Phil.* ii. 41. — *Inquilini* privatarum ædium atque *insularum*, *Suet. Nero*, 44.

^q The bay of Baïæ is lined with ruins, the remains of the villas and baths of the Romans, and fully exemplifies the taste for encroaching on the sea, alluded to by Horace: — *Contracta pisces æquora sentiunt Jactis in altum molibus.* (iii. *Od.* i. 33.)

All this varied magnificence was a necessary consequence of those great and numerous conquests by which Rome had subjected to itself the greatest portion of the then known world. The territory of Romulus scarcely extended at first 6,000 paces from the city; it was enlarged however by himself and the succeeding kings. But during the period of the republic the Roman empire extended itself over so many provinces, that in the reign of Augustus it was bounded to the east by the Euphrates, to the south by the cataracts of the Nile, the deserts of Africa and Mount Atlas, to the west by the Atlantic Ocean, and to the north by the Rhine and the Danube. Under some of the succeeding emperors these limits were pushed still further:

In *Asia*, the countries subject to the Roman

dominion were : Colchis, Iberia, Albania, Pontus, Armenia, Syria, Arabia, Palestine, the Bosporus, Cappadocia, Galatia, Bithynia, Cilicia, Pamphylia, Lydia, and in general all Asia Minor :—in *Africa*, Egypt, Cyrenaica, Marmarica, Gætulia, Africa proper, Numidia, and Mauritania ; and in *Europe*, Italy^r Spain, Gaul, the Alps, Rhætium, Noricum, Illyria, Macedonia, Epirus, Greece, Thracia, Mæsia, Dacia, Pannonia, and Britain. “ The whole extent of the Mediterranean sea, its coasts, and its islands were comprised within the Roman dominions.” “ We may observe that the empire was above 2,000 miles in breadth, from the wall of Antoninus and the northern limits of Dacia to Mount Atlas and the tropic of Cancer ; that it extended in length more than 3,000 miles, from the Western Ocean to the Euphrates ; that it was situated in the finest part of the temperate zone, between the twenty-fourth and fifty-sixth degrees ; that it was supposed to contain above 1,600,000 square miles, for the most part fertile and well-cultivated land ; and, as far as we can gather from ancient sources, it contained a population of about 120 millions.” (*Gibbon*, vol. i. c. i.)

^r “ Italy originally was the peninsula which is bounded by the isthmus, only twenty miles in breadth, between the Scylletic and Napetine Gulf ; the southernmost part of what was afterwards called *Bruttium* (the modern Calabria). This is on the authority of Antiochus of Syracuse, the contemporary of Herodotus, or probably younger, for he closed his Sicilian History with the year 331 — *OL.* 89, 2. — Half a century before the Marsic war, Polybius uses the name of Italy in the widest extent, as reaching to the Alps, comprising Cisalpine Gaul and Venetia, only, perhaps, leaving out the Italian half of Venetia.” — *Niebuhr*, i. p. 13. *sqq.* The more ancient Greeks, who had but an obscure knowledge of it, gave it the general name of *Hesperia* (or western-land) ; a term which they afterwards applied to Spain. As they became better acquainted with it, distinct names were applied to different divisions. Thus, the southern division was termed *Iapygia* and *Ombria*, the central *Ausonia* or *Opica*, and the more northern *Tyrrhænia* or *Tyrsenia*. In later times, the whole country was

called by the poets *Saturnia* — but at an earlier period the name corresponds to what was subsequently termed *Latium*. (*Virg. Æn.* viii. 31. *sqq.*) Italy when taken in its full extent was divided into three portions: — 1. *Gallia Cisalpina*, *citerior* (hither Gaul), or *togata*, because the inhabitants were admitted to the rights of Roman citizenship and wore the *Toga*, in opposition to *Gallia Transalpina* or *Comata* (the inhabitants of this division wearing long hair). 2. *Italia Media* s. *Propria*, Central Italy. 3. *Græcia Magna* s. *major*, first inhabited by Greek colonies.

It was not without reason therefore that the Romans were called *rerum Domini*, and Rome *lux orbis terrarum atque arx omnium gentium*; *Caput orbis terrarum*; *Maxima rerum*; *Urbs eterna*, &c. “Although the circumference of Rome was not so large as at present (13 miles now, says Burton, *Topog.* i. 75.) the suburbs were prodigiously extended (*expatiantia tecta multas addidere urbes*, *Plin. H. N.* iii.); Italy, being filled with villas, was properly the garden of Rome; the labourers were in Sicily, in Africa, in Egypt, and the gardeners in Italy; whilst nearly all the lands were cultivated by the slaves of the Roman citizens. (*Montesquieu*, p. 164.)

CHAPTER II.

RELIGION OF THE ROMANS.

THE DII CONSENTES, SELECTI, ETC.—TEMPLES.—ALTARS.—PRIESTS.
—PONTIFEX MAXIMUS.—AUGURS.—TAKING OF AUSPICES.

THE religion^a of the Romans—which embraces a priesthood, festivals, sacrifices, and other sacred rites, (the most important of which are Auspices and Auguries), has quite a peculiar character. The reasons of this must be sought for in the great dependence of Rome upon the Tuscans and other people in these matters, as well as in the peculiar political principles of the Romans. *Müller Etrusker*, ii. p. 2. 6. *seqq.*

^a *Religio* is frequently used in the sense of moral purity—conscience or a sense of religious obligation; thus *religio officii, vitæ; trahere in religionem; religione obstringere*, to impose a religious obligation upon any one. *Religiones* in the plural number is used for the various regulations and usages appertaining to the worship of the Gods. As the Patricians alone had the *jus auspicii*, religion became a powerful engine of state-policy in their hands.

Even at the very foundation of Rome, the establishment of a popular religion was a principal object with Romulus, and a means of infusing unity and peace into the heterogeneous mass (*συγκληδεις* as the Greeks termed them) by which the city was first inhabited. This too was a special object of the regulations of his successor Numa, who must be considered as the institutor of many religious ceremonies, borrowed partly from the Greeks and Etrurians.^b His alleged intercourse and “communings” with a supernatural Being

—the Nymph Egeria—gave greater credit and importance to his institutions; whilst the groundwork of the system was still adhered to in later times. As philosophy and intelligence became more generally diffused amongst the Romans, the religious notions of the enlightened portion became purer; but this portion was inconsiderable in number, and the great mass were left in their original superstition.

^b Hence Livy, speaking of *Cære* a town of Etruria, calls it *Sacrarium populi Romani, diversorium sacerdotum ac receptaculum sacrorum*. Hence some have derived the word *Cæremoniæ*, Encyc. Metropol. "*Cærimonia* (so written in two inscriptions, *Manut. Orthogr.* p. 124. *sq.* *Cellar. Orth.* p. 196.) The derivation from *Cære* is too modern (*Val. Max.* i. l. 10. *Festus* v. *Cærimonia*); and *Cerimonia* may be more properly derived from the antiquated *cerus*, holy, sacred — *cerus manus*. *Festus*, v. *Matrem Matutam*." (*Ramshorn*, 220.)

A minute account of the different Gods whom they worshipped belongs indeed to the department of mythology; and we therefore only remark the peculiar division of the Gods into superior^c and inferior (*deos majorum et minorum gentium*), which the Romans adopted in allusion to the division of senators. The first again, which were usually termed by the Romans *dii magni*, were divided into two classes: — *Consentes* (*a consensu*, because admitted to the council of Jove), namely, Jupiter, Neptune, Mars, Vulcan, Mercury, Apollo, Juno, Vesta, Ceres, Minerva, Venus, Diana; and *Selecti*, viz. Saturn, Janus, Genius, Sol, Orcus, Liber, Rhea, and Luna.

^c Jupiter (*Zeus πατήρ*, voc. *Zeū páter*) bears the several epithets of *Feretrius* (*a feriendo*), *Elicius* (*Ov. Fast.* iii. 327.), *Capitolinus*, *Tonans*, *Stator*, &c. *Sub Jove frigido* v. *sub dio*, in the open air. *In-columi Jove*, the capitol being safe (*Hor. Od.* iii. 5. 12.),—*Jupiter Capitolinus* being the proper national deity of the Romans. Juno bears the surnames of *pronūba* (presiding over marriage), *Lucina* (over child-birth), *Monēta* (*a monendo*, *Cic. Div.* i. 45.). *Minerva* is called *Armipōtens*, *Tritonia*, *Attica* v. *Cecropia* (Athens being dedicated to her), *Parthēnos* (*intacta*, or virgin; hence the *Parthe-*

non at Athens). She was invoked by every artist, and particularly by such as worked in wool, embroidery, painting, and sculpture; hence *tenuis Minerva* (Virg. *Æn.* viii. 409.), spinning and weaving which bring but small profit: *invitat Minervā*, against the bent of natural genius. Venus is called *Cytheræa* (from the isle of *Cythera*), *Ericyna* (worshipped at Mount Eryx in Sicily), *Paphia*, *Cypria*, *Cnidia*, &c. (from the names of places,) *Marina* (emerging at first from the sea-water *αἰθρὸν ὕδατος*), *Genitrix* (mother of the Julian family). Mercury bears the title of *Cyllenius* (from *Cyllene* an Arcadian mountain). The "beardless Apollo" with long hair (*intonsus et crinitus*) is called *Cynthius*, *Pythius*, &c.; and *Diana* bears the epithets of *diva triformis*, *Luctina*, &c.

The *Dii minorum gentium* were also termed *Indigetes*, *adscriptitii*, *Semidei*, and were heroes or men that had been deified for their virtue and merits; whilst amongst these, it was customary to distinguish the *Deos plebeios* v. *Semones*, i. e. *semihomines*, as of inferior rank. To this second class also belonged the Virtues and Vices which the Romans personified—all the symbolical and allegorical deities as well as the *dii peregrini*^d, such as the Egyptian, &c.—the *Dii Penates et Lares*^e, which presided over households and families—the *Parcæ* (*tres lanificæ puellæ*), who determined the life of mortals by spinning:—*grave tardas Expectare colos* (Juv. xiv. 248.) in reference to long-lived people.

^d The Romans permitted foreigners to worship their own Gods even in Rome; but no new Deities could be introduced into Rome without the permission of the senate; otherwise the individual incurred punishment. (*Liv.* iv. 30.)

^e The hearth was particularly sacred to the *Lares*, and here small waxen images of them were placed along with a dog. Under these images the Roman families worshipped their deceased ancestors; if the family was reigning, their *Lares* were worshipped by the state, as those of Julius Cæsar. There were also public *Lares*: for the country people, as *Silvanus*, for the roads (*Lares viales*), for the cross streets (*compitales*), for the cities (*urbani*), as protecting Deities. *Voss on Virg. Ecl.* i. 7. 44. *Heindorf on Hor. Serm.* i. 5. 66. *Est species dæmonum, animus humanus emeritis stipendiis, vitæ corpori suo abjurans; hunc vetere Latinâ linguâ reperio Lemurem dictitatum.* Hence we have *Lar* (Appulei. de *Deo Socratis*, 688. p. 152. ed. Bosscha). *Ovid (Fast.* v. 479.)

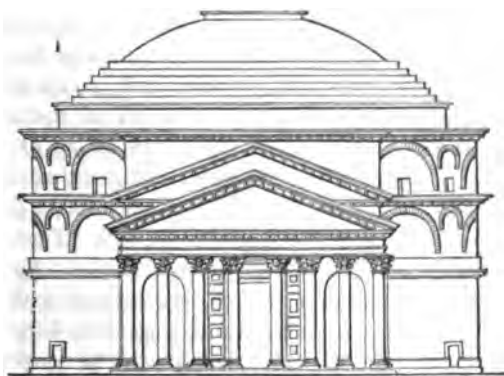
derives *Lemuria* from the *Remuria* instituted to appease the manes of Remus by his brother. The *Penates* were private Gods which every family selected for their protecting Deities. These were for the most part of divine origin, while the *Lares* were only deified men; the *Penates* (from *penus* the store-room), were worshipped only in the *Atrium* or the innermost part of the house (*in impluvio*): the *Lares* on the hearth—also in the public ways—in the camp, or by sea. There were also *Penates Publici*, under whose protection were placed the city and the capitol. (Cf. *Voss on Virg. Georg.* i. 498.) Jupiter, Juno, Minerva, Vesta, and Mercury, were considered as such. The Romans looked upon the *Genius* as a God directing human nature which was present at the birth of the individual, accompanied him through life as his protecting spirit, and even after death continued to live in the *Lar*. In adversity the *Genius* was supposed to be angry (*vultu mutabilis, albus et ater*, Hor. Ep. ii. 2. 187.); hence he was to be propitiated. Cf. *Voss on Virg. Georg.* i. 302. *Müller's Etrusker* iii. 4. 4—8. Th. ii. S. 87.—(*Ramshorn* 796.)

The worship of so many Roman Deities occasioned the building of numerous temples, of which some have reckoned up no less than 400 in Rome. A consecrated place in general was: *Templum*, and might be marked out merely by words (*locus effatus*) or by an enclosure (*locus septus*). Most of the churches of the Gods were temples, i.e. *destined only for the taking of Auguries*; hence they are essentially distinguished from the buildings dedicated to religious solemnities (*ædes sacræ*), Gellius xiv. 7; Nieb. ii. p. 622. Thus the temple of Vesta was not properly a temple. *Fanum* is originally a temple (and may be compared with the *τεμενος* of the Greeks), for it was consecrated by the Augurs; and the *ædes sacræ* might also be converted into temples in the same manner.

Delubrum (though applied to any consecrated building) was the shrine where the images of one or more Gods were placed; and the interior of the temple (*cella sanctior*) was appropriated for sacrifices. The Roman temples were generally built after the Greek fashion—being usually surrounded with rows of pillars

(hence termed *peristyle*), or at least adorned with them in front (*prostyle*) — and stood upon open ground. The temples were filled with consecrated gifts or offerings, (*donaria*) of various descriptions.^f The *Sacella* were little temples or chapels, or even places of worship without a roof, merely insulated by a wall. Amongst the sacred groves (*luci*), those of Vesta, Egeria, Furina, and Juno Lucina were the most distinguished.

^f The principal temples of Rome were the temple of Jupiter Capitolinus, of Apollo, Diana, Venus, of Concord, Peace (the largest in Rome, and ranked by Pliny among the noblest edifices of the world). The proportions of the Pantheon, built by Agrippa, are admirable for the effect intended to be produced; its height (144 feet) being equal to its diameter, and its dome not an oval but an exact hemisphere. The pillars, pilasters, and marble lining remained nearly as they were placed by Severus (203 A. D.) — *Eustace*, ii. p. 98. (See fig. 1.) With respect to the form and ar-



rangement of temples we may observe that the proper temple was termed *cella* (or the chancel, *naos*, *σῆκος*, *δομος*), and received light merely through the door in order to shroud the sacred things from vulgar eyes (*adytum*, *penetrale*). In the *Cella* was to be found the statue of the God. Sometimes a temple had more than one *cella* — as for instance the temple of *Jupiter Capitolinus*, which had three *cellæ*, because it was dedicated to Jupiter, Juno, and Minerva. The vestibule or Hall (*σποαος*, *prodromus*), was termed *anficum*; the part behind the chancel or *cella* was called *posticum* (*σπισθοδο-*

μος). The *Fastigium* was the gable of the roof which rose in a triangular form, and particularly the frontispiece which was adorned with statues and other architectural decorations, inscriptions, &c. The *Tholus* was the centre of the interior of the circular roof of the temple, where all the beams terminated. (It is sometimes applied to any circular building.) Quadrangular, or four-sided temples were divided, in reference to the arrangement of the pillars, into *templum in antis*, where two pillars stand between the corner pillars (*antæ*) and the side-walls of the *cella* — into *prostyle*, having a portico of four or six pillars before the *πρῶτος* — *amphiprostyle*, having a similar portico on the back-front; *peripteral*, where the *cella* was surrounded with a simple row of pillars; *dipteral*, with a double row; the *hypæthral* (*ὑπὸ* and *αἰθήρ*, *sub dio*, *subdialis*), when light was admitted into the chancel from above. Amongst the circular temples the *Monopteros* was without a chancel, but the *Peripteros* had a chancel surrounded with a portico.

The altars of the Gods stood sometimes by themselves, and were then merely designated with the name of the God to whom they were dedicated; the greater part however were built in the temples immediately before the statues of the Gods. And here we must distinguish the *altaria*, which were more elevated and appropriated for sacrifices, from the *aræ* where prayers were offered up, upon which libations were poured out and incense burnt (*aræ turicremæ*, Lucan, ix. 989.). The former were generally dedicated to the celestial Gods, and the latter to the infernal. To these we must add a third altar (*anclabris*), a sort of table upon which the sacrificial instruments were placed as well as the entrails of the beasts for the inspection of the Haruspices. Distinct however from this was the *mensa sacra*, upon which various sorts of food and fruits were offered to the Gods as well as incense, though not in the shape of a burnt-offering.

Altars were sometimes made of metal, oftener of marble and other stones, and were usually of a white colour. They used to be covered with leaves and grass called *verbena*, bound with woollen fillets (*nexæ torques*, i.e. *coronæ*.) and their shape was more fre-

quently square than round. There were various vessels and instruments used in sacrifices; as *acerra* v. *thuribulum*, for burning incense; *simpulum* v. *simpurium* (hence *excitare in simpulo fluctus*, Cic. Leg. iii. 16. much ado about nothing), *guttum*, *capis*, *idis*, *capedo* or *apeduncula*, *patera*, cups used in libations; *tripodes*, tripods, *securæ*, *mallei*, *bipennes*, axes; *cultri* v. *secespitæ*, knives for cutting up the animal and dividing it into different parts; *Adspersillum*, *Candelabra*, &c.

The priests (*sacerdotes*), who for the most part were formed into colleges or corporations (*collegia*), were also very numerous in Rome — instituted in a great measure by the early kings. Thus there were the *Luperci*, *Curiones*, *Haruspices*, &c. already instituted by Romulus, and the priests assigned to particular Gods (*flamines*), as the *Vestal Virgins*, the *Salii*, *Augurs*, and *Feciales* instituted by Numa. During the republic, there existed the *rex sacrorum* and the *Epulones*; and some others were added under the emperors. Generally we may divide them into two leading classes, the first of which comprised the priests of all or a certain number of Gods: to these belong the *pontifices*, *augures*, *quindecimviri sacris faciundis*, *haruspices*, *fratres aruales*, *curiones*, *epulones feciales*, *sodales Titii*, and the *rex sacrorum*. The second class consisted of the priests of particular Gods (*uni alicui numini addicti*), and comprehended the *Flamines*, *Salii*, *Potitii*, *Pinarii*, *Galli*, and the *Vestal Virgins*.

The first rank in the priesthood was held by the *Pontifices*, of whom Numa appears to have instituted four; — “half for the Ramnes and half for the Tities” — he himself being *Pontifex Maximus*, or supreme pontiff. This number was increased (*Lex Ogutnia*, 453.) to eight by the election of four plebeians, and by Sylla

to fifteen; Julius Cæsar afterwards added one. The right of election to this office was exercised by the kings. When the regal power was abolished, the priests filled up the vacancies themselves (*capiebant, cooptabant*). By the *lex Domitia* (650), this right devolved upon the people until Sylla superseded it by the *lex Cornelia* (672). The *lex Domitia* was restored by the tribune Labienus (691)^b and again abrogated by Marc Antony. The *Pontifex M.*, or head of this college (*ἀρχιερεὺς μέγιστος, πρῶτος τῶν ἱερέων*), was elected by the *Comitia Centuriata* out of the *Pontifices*, Liv. xl. 42.

^a This reconciles the observation of Cicero (*De Rep.* ii. 14.) that Numa instituted five pontiffs. The Pontifex M. is here reckoned with the others. (*Nieb.* i. p. 258.)

^b This was intended to pave the way for Cæsar's being created *Pontifex Maximus*. (*Dio.* xxxviii. 37.)

All the other priests, and even the Vestal Virgins, were under the control of the *Pontifex Maximus*. He had the superintendence of all religious matters, the arrangement of the calendar, the regulation of the festivals and the sacred rites connected with them; he could compel a magistrate to resign if he had been elected contrary to religious usages (*vitio creatus*); he marked down all particular occurrences in the pontifical books (*commentarii, annales*¹, *pontificum, — maximi*), and kept these books in his own house for general inspection. These books however must not be confounded with the *ritual-books* (*commentarii sacrorum, libri pontificum, indigitamenta*), which were text-books of religious ceremonies; for each newly elected priest took an oath not to deviate from the form therein prescribed. (*Dion. Halicarn.* ii. 133.)

¹ *Erat enim historia nihil aliud, nisi annalium confectio.... res omnes singulorum annorum mandabat literis pontifex maximus, referebatque in album, et proponebat tabulam domi potestas ut esset populo*

cognoscendi; ii, qui etiam nunc annales maximi nominantur. (Cic. Orat. 2. 12. 52.) The *Fasti majores* v. *consulares* were marble tables on which were engraven the names of the Consuls and Dictators, as they annually succeeded each other, with the exploits and remarkable occurrences that happened during the period of their holding office. Distinct from these are the *Fasti minores* v. *Kalendares*, which contained a description of the whole year according to the months, so that in every month the *dies fasti et nefasti*, *dies senatûs et comitales*, the festival days, fasts, and great sacrificial feasts, were marked down. These were under the superintendence of the *Pontifex M.*, and kept secret till the year 304 of the city, but from that period were annually published. They were also called *Fasti Romani, urbani*, in order to distinguish them from the *Fasti rustici*, a marble block on which were engraven the *Kalendæ, Nonæ, Idus, Nundinæ*, the feasts of the country-people, the agricultural labours appropriate to each particular month, the signs of the zodiac, the length of the days, and the *deus tutelaris* of each month. *Grævii Thesaurus Antiq. Rom.* tom. viii. Representations of such calendars are given in Gruter, p. 133. sqq.—(Ramshorn, 650.)

The *Pontifices* had no judicial power; yet on the other hand they could not be cited before a court, and punished, or compelled to give an account of any matter whatever to the senate; the *Pontifex Maximus* held his dignity for life. They wore a robe bordered with purple (*toga prætexta*), a woollen cap of a conical shape (*tutulus* v. *galerus*) with a tassel (*apex*) on the top: they dwelt in public buildings on the *sacra via*, or in Numa's house. The *Pontifex Maximus* anciently could not leave Italy (Licinius Crassus was the first *P. M.* freed from the restriction, 718); he was thought to be polluted even by seeing or touching a dead body—durst not mount a horse—was not allowed to marry a second wife (a regulation which Cæsar first violated, *Suet. Cæs.* 21.). He selected also the Vestal virgins, and superintended their conduct. Augustus undertook this office himself as Emperor, and his successors followed his example, until Gratian abrogated it. Different views prevail about the *Pontifices Minores*; some consider them as assistants and

secretaries of the *Pontifices*, or as members of the college itself. (*Cic. de Har. resp.* 6. *Liv.* xxii. 57.)

The Augurs (*Augures* v. *Augures publici*, because they were dependent upon the state) derived their name from the flight of birds (*augurium*, *avigerium*). Romulus had already summoned them from Etruria in dubious cases, but Numa incorporated them into a formal college; and nothing of importance to the public was done previous to consulting them (hence *auspicari* for *ordiri*).^k At first they were elected only from the patricians, but afterwards in part also from the plebeians; their principal was termed *Magister collegii* v. *Augur Maximus*. "Betwixt the auspices of the magistrates and of the public Augurs," says Müller, "there appear to have been these distinctions:—The magistrates could take omens for their own official conduct (*omina captare*), but the college of Augurs (though under certain limitations) for the whole state; the magistrates had only the *spectio*, i. e. the observation of omens, but the Augurs also the *nunciatio* (or could announce and declare them), which was termed *obnunciatio* when any matter was prevented or put off by the omens being unfavourable. Hence the Augur was present with the magistrate during the auspices (*in auspicio*); announced to him whether it was *silentium*; he interpreted the omen, and at an earlier period appears to have accompanied him to the field. The greater magistrates, as the Consul, Prætor, Censor, &c., had the *majora auspicia* through the centuries, whilst the others had only the less by a particular law of the *curiæ* (*lex curiæ*)." Omens which presented themselves unsought for were termed *auspicia oblata*, *non impetrata*.

^k *Auguriis certe sacerdotioque Augurum tantus honos accessit, ut nihil belli domique postea, nisi auspiciis, gereretur; consilia populi, et*

exercitus vocati, summa rerum, ubi oves non admisissent, dividerentur. (Liv. i. 17.) The whole system of augury and divination among the Romans was involved in darkness and uncertainty; and it appears to have been invented and adhered to merely for the sake of increasing the influence of the few over the many. Every one who was a candidate for public offices, every patrician youth must, of necessity, be duly instructed in this art; for the magistrate himself took auspices (*servabat de celo*), and must necessarily be instructed in the rules of the art. (*Cic. de Divin.* ii. 35.) The patricians alone had the *Jus auspicii*, which they exercised in private (*Liv.* vi. 41.) as well as public matters; for the auspices taken previously to marriage (*nuptiæ*) were without doubt originally more than a mere name. (*Müller*, ii. p. 110.) The Etrurian chiefs (*principes Etruriae*) or *Lucumones* were the persons from whom the noble Roman youths received instruction in the sacred sciences of divination; and, down to the middle of the fifth century, these youths were instructed in the Etruscan language and literature, as they were subsequently in the Greek. (*Nieb.* i. 100, 116.)

The chief business of Augurs consisted in observing the flight or singing of birds (*auspicium*), whereby they foretold future events. They also derived tokens of futurity from appearances in the heavens, as thunder and lightning, from the eating of chickens, from quadrupeds, and from uncommon accidents (*diræ*). When an Augur made his observations on the heavens (*servabat de celo* v. *cælum*), which was usually in the dead of night (*silentio* ¹ *nocte*), he marked out a certain portion of the heavens (*templum* ^m) to which his observations should be limited. He then drew with his crooked staff (*lituus*) imaginary lines by which he divided this portion into *regiones* (*determinavit regiones*), of which there were four amongst the Romans and sixteen amongst the Etruscans. When he turned to the south, he divided the *templum* by the meridional line (*cardo*) from north to south, into an eastern and a western half, and this again he divided by a cross line (*decumanus*) into an anterior and a posterior portion (*pars antica et postica*), so that he himself stood under the point of intersection (*decussis*).

¹ *Id silentium dicimus in auspicio, quod omni vitio caret.* — Cic. Div. ii. 44.

^m *Contemplari dictum est a templo, i. e. loco qui ab omni parte aspici, vel ex quo omnis pars aspici potest, quem antiqui templum nominabant.* (Festus.) We translate the following passage from Cicero: When the augurs were about to take the auspices (*augurium acturi essent*), and had ordered Ti. Claudius Centumalus, who had some buildings on the Cælian Mount, to demolish those parts which intercepted the due observation of the auspices (*quorum altitudo officeret auspiciis*), Claudius advertised the buildings for sale (*proscripsit insulam*); P. Calpurnius Lanarius was the purchaser. The augurs ordered him to do the same. When Calpurnius had demolished these parts, and had learnt that Claudius advertised the house after it had been condemned by the augurs, he compelled him to refer the matter to arbitration. M. Cato pronounced this opinion: *Quum in venundando rem eam scisset, et non pronuntiasset, emtori damnum præstari oportere*, — that, since the advertiser, being aware of the circumstance, had not mentioned it, the purchaser ought to be borne harmless. — *Off.* iii. 16.

“The office of Augurs, then,” says Müller, “includes the observation of auspices (*spectio*); the announcement of what they had observed (*nuntiatio*) to the magistrates (including the *obnuntiatio dirarum*); the consecration of men and places; and, lastly, the decision whether auspices should be taken in particular cases, and how they should be taken, whereby the Augurs exercised constant superintendence over the auspices of the magistrates.”ⁿ Generals took auspices *ex acuminibus*, from the shining of the points of spears; and the *perennia auspicia*, taken in crossing over flowing water, were open to the magistrates as well as Augurs.

ⁿ *Etrusker*, p. 116. The Greeks translate *diras obnuntiare* by *apas ἐπαπαύσαι*; the *obnuntiatio* was allowed not only to the Augurs but to the magistrates, and also the tribunes. The *diræ* might be derived partly from signs and partly from the inward workings of the mind; but as they did not depend on the caprice of the utterer, but constituted an *auspicium* to him who accepted them, we see that it was possible to dissemble or use evasion (*ementiri diras*) in these as well as in the other auspices.

Birds which gave omens by singing (*oscines*), and those which gave omens by flight (*alites*), were still further divided into lucky (*præpetes*) and unlucky

(*inferæ*); if a bird flew in the zenith of the observer (*avis supervaganea*), it was a lucky omen. Indications or omens to the left of the Augur were considered lucky; but in some cases not so. Thunder on the left was lucky for every thing except the *comitia*. The hearty feeding of the sacred chickens (*tripudium solistimum*) was considered an excellent omen. The Augural books are either those in common use (*commentarii* v. *libri Augurales*), or those used for the solution of difficult questions (*libri reconditi*). The badges of the Augurs were the *Trabea*—a kind of robe striped with purple—a conically shaped cap, and a crooked staff (*lituus*) to mark out the heavens. This order of priests continued till the time of Theodosius the Great; only we must distinguish the public Augurs of the Roman people from the private Augurs of the Emperor.

CHAPTER III.

RELIGION OF THE ROMANS.

HARUSPICES. — INSPECTION OF THE ENTRAILS. — QUINDECIMVIRI. —
 VESTAL VIRGINS. — FRATRES ARVALES. — SEPTEMVIRI EPULONUM.
 — FECIALES. — FLAMINES, SALII, LUPERCII, GALLI, ETC.

THE *Aruspices*, or rather *Haruspices*^a, were those priests whose chief business it was to inspect the entrails of beasts offered in sacrifice; and hence they were sometimes called *extispices*. They also gave answers (*respondebant*) to those who wanted to know what calamity was portended by certain prodigies (*prodigia* v. *portenta*), and by what ceremonies they should be expiated (*procurari*). They were then said *commentari*; and they particularly named the gods whose requisitions (*postulationes*) were expressed by the omen. According to the different methods and subjects of their divination, they were divided generally into three classes—*extispices*, *prodigiatores*, and *fulguratores* (or observers of lightning). The remains of persons or things struck by lightning (*fulguriti*) were buried on the spot where they were struck. This place was termed *bidental*, as it was expiated by the sacrifice of a two-year old sheep (*bidens*); and the boundary which marked it out could not be removed. The doctrine of the *Haruspices* (*disciplina*), being hereditary in families, was originally left to oral tradition; but in the time of Cicero there existed works upon the sub-

ject (*libri Etrusci*), comprising the *libri haruspicini* as well as the *fulgurales* and *rituales*, and written in the Tuscan language.^b

^a *Haru* is Etruscan, and may be merely an altered pronunciation of *lpos*, as the Etruscans used *u* instead of *o*; the Greeks translated this word by *ἱεροσκοπος*; hence also *hariodotus*. (Rams-horn.)

^b The ancient Roman terms were *Etruria* for the country and *Tusci* for the people; that of *Etruscus* did not come into use till after Cato's time. But the old name must have continued prevalent in the mouth of the people; for, under the later Emperors, the name of *Tuscia* was applied to the country, and, in the middle ages, passed into *Toscana*, whence *Tuscany*. (Nieb. i. p. 90.) Since in the Eugubine Tables [discovered near Gubbio (*Eugubium*) 1444 A.D., and containing inscriptions in Umbric mixed with Etruscan], *Tursce* occurs along with *Tuscom* and *Tuscer*, it is impossible not to conclude that from the root *TUR* have been formed *Tursicus*, *Turscus*, *Tuscius*; as from the root *Or*, *Opiscus* and *Oscus*; so that *Τυρρηνοί* or *Τυρσηνοί* [*Tyrrhena carmina*, Lucret.] are only the Asiatic and Italian forms of one and the same name. (Müller, i. p. 100.) — The *Haruspices* obtained influence and consideration when the Auspices of the magistrates began to decline (*Cic. de Div.* i. 16. 28.); but their influence diminished when the Chaldean astrologers (*mathematici*, *Genethliaci*) were introduced into Rome, and their art (*Chaldaica rationes*, *Babylonii numeri*) rose into great importance under the Emperors. Claudius, however, took the *Haruspices* under his protection. (*Tac. Ann.* xi. 15, 16.)

Beasts of sacrifice were divided into *hostiæ animales* (expiatory sacrifices) and *consultatoriæ* (or sacrifices for the purpose of divination). The liver was the part chiefly inspected (*caput extorum*), and was divided into a *pars familiaris* and a *pars hostilis* v. *inimica*; from the former they conjectured what was to happen to themselves, and from the latter what was to happen to an enemy (*venas minaces* — *Hostili de parte videt*, Lucan. i. 617.). The entrails were not merely examined immediately after the death of the victim (*sacrificium consultatorium*), but also observed in the course of the sacrifice. Then the whole of the entrails that were the portion of the Deity, along with the cuttings of the

limbs (*præsegmina amputata*), were sprinkled with meal, wine, and frankincense, and burnt upon the altar. This was termed *exta porricere*; and hence, if a person was prevented by any unlucky incident from doing what he had resolved upon, it was said to happen *inter cæsa* (sc. *exta*) *et porrecta*, between the time of killing the victim and burning the entrails.

If the *caput jecinoris* was wanting, or in any respect deficient, it was considered a very bad omen (*exta trunca* v. *tristia*), Cic. Div. i. 52.; ii. 13. 16. If the *caput* was double (*duplex, geminum*), it was considered a very good omen (*exta læta et regalia*). When nothing could be concluded from the appearance of the entrails, they were said to be *exta muta*; if the signs were favourable, they were termed *bona*. If otherwise (*prava* v. *tristia*), another victim (*victima succidanea*) was offered up (*sacrificium instaurabatur*), and sometimes several until they had offered up a favourable sacrifice, and then they were said to have propitiated the Gods (*litasse diis*). The *Haruspices* exercised considerable influence upon public as well as private life; as we may conjecture from the fears of Tiberius, who prohibited them from inspecting the entrails (*consulere exta*) without witnesses.

The *Duumviri, Decemviri, Quindecimviri sacris faciundis* were the guardians and interpreters of the Sibylline books or verses,

——— “qui fata deûm secretaque carmina servant.”
(*Lucan*, i. 599.)

(των χρησμων φυλακες, *Dion. Hal.* iv. 260.)

and were frequently called *Sibyllini sacerdotes*. Their business was not only to take care of the books, but to consult them at the command of the senate (*libros adire, inspicere, consulere*), either for the sake of di-

rection in difficulties, or of knowing what species of expiations should be adopted, and how the sacrifices should be offered up. Originally there were only *Duumviri* (till 387); then *Decemviri*, of whom five were patricians and five plebeians; and afterwards *Quindecimviri*, who were probably appointed about the time of Cicero. The Sibylline books were kept in a stone chest, under ground, in the temple of *Jupiter Capitolinus*. But when the Capitol was burnt in the wars of Marius and Sylla, and these books were destroyed (A. U. 670), ambassadors were sent into Greece and other countries to collect the Sibylline oracles there existing. The oracles were composed in Greek hexameters, for otherwise it would not have been believed that they might have been replaced by those found in the Greek cities. (*Nieb.* i. p. 444.) This college of priests, which had the care of the secular games (*ludi sæculares*) and other sacred matters, enjoyed great respect even in the latest period of the republic.

^c Τας επισκεψαι τῶν χρησμῶν ποιῆσαι, *Dion. Hal.* iv. p. 260. These priests are termed by Liv. (x. 8.) *carminum Sibyllæ ac factorum pop. Romani interpretes*.

Still more remarkable was the order of the Vestal Virgins (*Virgines Sanctæ, virgineæ Ministræ, Vestales*), consecrated to Vesta, and introduced either by Romulus or Numa. They were originally four in number, but either Tarquinius or Servius increased it to six; and this number continued till the priesthood was abolished in the age of Theodosius the Great. At first they were chosen by the kings; and after their expulsion, twenty were proposed by the *Pontifex M.*, and the necessary number determined by lot (*legi, αἰρεῖσθαι*). Then the *Pontifex M.* proceeded to take them from their parents (hence, *capere Virginem*

Vestalem, to choose a Vestal Virgin).^d Those who were eligible to the office must not be below six nor above ten years of age, nor tainted by any bodily defect, which was a requisite in all priests: (*Sacerdos sit integer*); and their parents must be still living (*patrimi et matrimi*). They were bound to their ministry for thirty years (*Tac. Ann. ii. 86.*), learning, for the first ten years, the sacred rites; for the next ten performing them; and, during the last ten, instructing the younger Vestal Virgins.^e Their duty consisted in keeping the sacred fire always burning (*perpetuus ignis Vestæ*); guarding the Palladium, the sacred pledge of the Empire (*fatale pignus imperii*); and offering sacrifices to the *Bona Dea* and other deities for the prosperity of the state. If they neglected the sacred fire flagellation was inflicted; if they broke their vow of chastity (*incestus, probrum*) they were buried alive in the *campus sceleratus*. The commission of this crime was thought to forebode some dreadful calamity to the state, and therefore was always expiated with extraordinary sacrifices. (*Liv. xxii. 57.*)

^d Capi virgo (Vestalis) propterea dici videtur, quia pontificis maximi manu prehensa ab eo parente, in cujus potestate est, veluti bello capta abducitur. Flamines quoque Diales, item Pontifices et Augures capi dicebantur. (*Gell. i. 12.*)

^e The *Lex Horatia*, as a reward to Caia Terratia, who had given the *Campus Tiberinus* (*Nieb. i. p. 464.*) to the Roman people, enacted that she might be discharged from her priesthood (*ex-augurari*). — *Gell. vi. 7.*

The investigation of these offences was committed to the *Pontifices*, and in later times it was left to the *Præfectus urbi* to carry the penalty into execution. The privileges of the Vestals were very great: they were not subject to the *patria potestas*; they had the uncontrolled disposal of their own property, the right of making a testament, of freeing a criminal from pun-

ishment if they met him accidentally ; the prætors and consuls went out of the way and lowered the *farces* if they met them in the street ; and from the time of Augustus they were honoured with a particular seat in the theatre. Their heads were decorated with fillets (*infule, vittæ*), and during sacrifice they wore a white veil (*suffibulum*). The oldest, who was the first in rank, was termed *virgo maxima*, sc. *natu, virgo vetustissima* or *primigenia* ; and finally, they were held in so much veneration, that testaments and the most important deeds were committed to their care. (*Tac. Ann. i. 8. cum notis Lipsii*.)

The *Fratres Arvales* were a priesthood established by Romulus to offer up sacrifices for the fertility of the ground, as *Dea Dia* or Ceres. Their anniversary festival, which took place on the ides of May, consisted in singing, dancing, and a sacrifice, when they led the victim round the fields (*hostia ambarvalis, ab arva ambiendo*), previous to offering it up. They wore a crown made of the ears of corn (*corona spicea*), and a white woollen fillet round their temples (*infula alba*). Their office was for life, and they could not be deprived of it either in prison or exile. The president of the college was termed *Magister*, and the vice-president *Promagister*. Similar to these were the *Fratres Atheriates*, whose business it was to offer sacrifices to three Deities — Mars, Jupiter, and VVFIONI, (unknown), *Seidel. de saltat. sac. vett. Rom.* p. 34., for the aversion of pestilence, famine, &c. *Curiones*, with the *Curio Maximus* at their head, were priests (thirty in number), who offered sacrifices for each *curia*.

The priesthood of the *Septemviri Epulonum* was one of the most important, so that even the later Emperors assumed the office (*Gruter's Inscr.* p. 235. No. X.), though the *Septemviri* appear merely as assistants of

the *Pontifices*, Augurs, and *Quindecimviri*. Originally there were three in number (*Lex Manlia*, 558.), afterwards *seven*, and from the time of Cæsar *ten*; yet the college still preserved the title of *Septemviratus*. Their business was to attend to the sacred entertainments, which were very sumptuous (*Cœnæ pontificum* became proverbial), and to report (*afferre*) to the *Pontifices* whatever had been neglected or wrongfully performed in the public games.

The business of the *Feciales* was to declare war and conclude treaties of peace, and to perform all the ceremonies necessary on such occasions. If any effects had been carried away from the country, they proceeded to demand restitution (*res repetere*); if restitution was not made within thirty days, they threw a spear (*hasta sanguinea*) over the enemy's boundaries, and this was termed *clarigatio* (or declaration). In later times, when this ceremony was no longer possible in the foreign and distant wars, the spear (*prænuntia belli*, Ov. Fast. vi. 207.) was thrown into a certain field (called *Ager hostilis*), or suspended on a pillar before the temple of Bellona. The college consisted of twenty priests; in concluding a treaty of peace, one was selected, who took the oath in the name of the Roman people (*Pater patratus*). He struck a swine with a knife of stone (hence *fœdus icere, ferire, percutere*), and then threw it away, calling down an imprecation upon himself:—" *Si sciens fallo, tum me Diespiter salvâ urbe arceque bonis ejiciat, ut ego hunc lapidem,*" whence the phrase *Jovem lapidem jurare*.^f As a token of their inviolability they crowned themselves with sacred herbs (*sagmina, verbenæ*), whence they were called *sagminarii, verbenarii, caduceatores*.

^f The *Feciales* were necessary whenever a treaty was made, Liv. ix. 5. Otherwise it was said to be made *per sponsionem*,

i. e. the consuls, legates, &c. becoming responsible for its being ratified. — *Bellum nullum, nisi pium, putabant geri oportere, et priusquam indicerent bellum, his, a quibus injurias factas sciebant, Fetiales legatos repetitum mittebant quatuor, quos Oratores vocabant.* — Varro de vitâ populi Romani, ii. ap. Non. xii. 43.

The *Sodales Titii*, like the unknown *Titiae aves*, were probably of Sabine origin (*Müller Etrusker*, ii. p. 120.), being introduced by the Sabine king Titius. In later times we meet with the *Sodales Augustales* (instituted to Augustus after his death), *Sodales Flaviales*, *Trajanales*, &c. The *Rex Sacrorum* v. *rex sacrificulus* (βασιλεὺς ἱερῶν, *Dion. Hal.*), as also his wife (*regina sacrorum*), was appointed, after the expulsion of Tarquin, to perform the sacred rites which had hitherto been performed by the kings themselves. In order to banish from him as much as possible the appearance of kingly power, he was invested with no authority, he took no share in the public administration, he was subject to the *Pontifices*, and though in early times he summoned the assembly of the people, yet he was obliged to disappear immediately after the sacrifice was completed. This priesthood remained a patrician office to the latest period of the republic. (*Cic. pro Dom.* 14.)

The *Flamines* (a *filo*, *filamen*, per syncope *flamen*) were priests instituted for the service of particular deities. The most distinguished of these were the *flamines majores*, introduced by Numa, viz. the *Flamen Dialis* (for Jupiter), *Martialis* (for Mars), and *Quirinalis* (for the deified Romulus). Other *flamines* were afterwards created (*flamines minores*), as the *flamen Pomonalis*, *Carmentalis*, and the *flamines* in honour of the Emperors after their *apotheosis* or deification. They were at first chosen (*prodebantur, capiebantur*) by the king, afterwards by the college of *Flamines* themselves, till the passing of the *lex Do-*

mitia, by which their choice devolved upon the people, and their inauguration upon the *pontifices* and augurs.

The office of the *flamen Dialis* did not continue for life (*flaminio abire* v. *decedere*). He must be a patrician, and he must be married *per confarreationem*. (See *Confarreatio*.) He was thought to be polluted by seeing any person labouring on the feast-days, and hence he was preceded by heralds announcing his approach (*præclamitores* v. *Præciæ*). In earlier times he durst not stay one night without the city, afterwards not more than two (except in case of sickness), in order that he might offer the daily sacrifice to Jupiter. He durst not take an oath, nor see any funeral solemnities; and on the approach of death, or when his wife (*Flaminica*) died, he was obliged to resign his office. The badges of his office were a purple robe (*læna*), a woollen cap (*tutulus*) with an *apex* (*flamen apicatus*), and when thus attired he was said to be *festatus*. From the death of Merula, who committed suicide in the temple, there was no *Flamen Dialis* for 72 years, till a successor was appointed by Augustus.

The *Salii*, who, according to the common opinion, derived their name from dancing (*salire*), were originally the priests of *Mars Gradivus*, twelve in number, chosen from the patrician order, and introduced by Numa. They used to go to the capitol, through the forum and other public parts of the city, dancing (*cum tripudiis*) and singing sacred songs (*axamenta* v. *assamenta*). In these songs, dedicated to Mars, they also celebrated other Deities, as Jupiter, Apollo, Juno, Minerva (except Venus, whose name they were not permitted to pronounce, *Macrob. Sat.* i. 12.), the demigod Hercules, and also Mamurius, the maker of the shields.^s In their festival processions they carried celestial or sacred shields^b (*ancilia*), dressed in an

embroidered tunic (*tunicā pictā*), and wearing a brazen breastplate (*æreum tegumen*).

⁵ *Arma ferunt Salii, Mamuriumque vocant.*

Ov. Fast. iii. 397.

ⁿ ——— “*Ancile vocat, quod ab omni parte recisum est
Quaque notes oculis Angulus omnis abest.*”

Ov. Fast. iii. 377.

The first of these *Salii*, who were also termed *Salii Palatini* because they offered their sacrifices in the *Palatium*, was called *Præsul*; their leading musician or singer *Vates*, and he who admitted new members *Magister*. The *Salii Collini* v. *Quirinales* v. *Agonales* were instituted by Tullus Hostilius, and had a chapel on the Colline hill. The ancient language of the Salian hymns was unintelligible to the people in the time of Horace, and even to the priests in the time of Quintilian; but it was considered a great honour to be mentioned in them. This honour was conferred on Augustus during his life (*Dio Cass.* li. p. 457.); on Germanicus after his death (*Tac. Ann.* ii. 83.); on Verus, son of Antoninus the philosopher, and on Caracalla. Their festivals were concluded with a splendid banquet (hence *Saliares dapes* became proverbial).

Still more ancient were the *Luperci*, the priests of the Arcadian God Pan (Λυκᾱῖος), whose festival (*Lupercalia*) was celebrated in February. In a corner of the Palatine mount was a cavern dug in a rock, (*Lupercal*) sacred to Pan; and here sacrifices were offered to him. There were three companies (*sodalitates*) of *Luperci*—the *Fabiani*, *Quintiliani*, and *Julii*. On their festival, the *Luperci* ran up and down the streets naked, having only a girdle of goats' skins round their waists, and thongs of the same in their hands, with which they struck those they met (*cat-*

mediare), particularly married women, who were thence supposed to be rendered prolific. As the Luperi were the oldest class of priests, being instituted by Evander—so they continued the longest, not being abolished till the commencement of the sixth century, under Anastasius.

In honour of the *Bona Dea* (an unknown Goddess), whose temple was situated on the Aventine hill, the matrons of Rome celebrated a feast, in which the name of the Goddess was never mentioned by reason of its sacredness (*opertum Bonæ Deæ*). By the *lex Fufia* (692) it was enacted that Clodius, who had violated the sacred rites of the *Bona Dea*, should be tried by the prætor, with a select number of judges, and not before the people. Thus his acquittal was procured by bribery. The feast (*Damium, Festus sub. hac voce*) of those who attended upon the Vestal virgins was celebrated in the house of a consul or the *Prætor Urbanus*, for the welfare of the people; and the women then drank wine, which was prohibited on other occasions.

The *Galli* came with their worship from Phrygia, being brought over by a Roman embassy which had been sent by the advice of the Sibylline books and the Delphic oracle to Pessinus in Gallo-Græcia, to fetch away the sacred stone, or Cybèle the mother of the Gods (*mater deorum, Magna mater Idæa*). The *Galli* were eunuchs (*semimares, semiviri*) of the lowest and most despicable class, with a president at their head, called *Archigallus*. During their festival they washed, with certain solemnities, the image of Cybele, her chariot, lions, &c. in the Tiber, at the conflux of Almo—expressing their grief, at the same time, by inflicting voluntary wounds (*Galli sanguinei, Prop.*) On the second day (*hilaria*), they conducted

themselves in a very extravagant mannerⁱ, rolling their heads and beating their breasts to the sound of the flute, (*Berecynthia tibia*), making a great noise with drums and cymbals; hence *gallare* signifies *furere*, *bacchari*, and their religious ceremonies were called *sacra enthusiastica*. They annually went round the villages asking an alms (*stipem emendicantes*), which the other priests were not permitted to do.^k

ⁱ *Sectus ululat matris entheæ Gallus.* (Mart. v. 41.) *Mater entheæ*, the inspired or frantic mother (Cybele).

^k Similar to these were the *Bellonarii*, or priests of Bellona, who, at the time they uttered their predictions, were in the habit of cutting their bodies with knives; hence Horace terms the goddess — “*Gaudens Bellona cruentis.*” (Sat. ii. 3. 223.) To these we may add the *Potitii* and *Pinarii*, priests of Hercules (the office being hereditary in their families), who traced up their origin to the age of this hero. They became extinct in the fifth century of Rome — Claudius the Censor having delegated their ministry to public slaves.

CHAPTER IV.

RELIGION OF THE ROMANS.

SERVANTS OF THE PRIESTS. — PRAYERS. — SACRIFICES. — VARIOUS SOLEMNITIES. — PUBLIC FESTIVALS.

THE servants of the priests were as follows:— those who took care of the temples were called *Æditi*, residing in the temple itself, or near to it; the *Popa* and *Victimarii* killed the victims, and were of the lowest class. They only wore clothing on the lower part of their body (*succincti*); the hatchet was anciently termed *acieris*. When about to kill the beast, the *Popa* asked the priest, *Agone?* whereupon the priest answered, *hoc age.*^a The *Camilli* and *Camillæ* were free-born boys and girls (*patrimi et matrimi*) who served the priests; the boy who served the *Flamen Dialis* was called *Flaminius Camillus*. There were also various kinds of musicians — *Tibicines*, *Tubicines*, *Fidicines*; for all festivals were accompanied with music. Amongst the Tuscans they were termed *Subulones*, and they lived together very luxuriously at the public expense in the temple of Jupiter. Hence Virgil calls a flute-blower *pinguis* (Georg. ii. 193.); and Plautus uses *tibicinum more vivere*, for “to live extravagantly.” (*Mostell.* iii. 2.).

^a *Semper Agone? rogas; nec nisi Jussus agis.*”

Ov. Fast. i. 322.

When they were deprived of these benefits (436 A. U.) they left the city; but, as their place could not

be supplied, they were recalled (*Liv.* ix. 30.), and received permission to celebrate a festival, called *Quinquatrus Minores*, in honour of Minerva, the protectress of those who play on wind instruments. *Quinquatrus* signifies, in the Tuscan language, the *fifth day* after the *ides*; but the Romans misunderstood it, and celebrated it for *five days*, about the time of the vernal equinox (April): on the last day was the *Tubilustrium* — “*fiunt sacra Minervæ nomina quæ a junctis quinque diebus habent*” (i.e. *Quinquatrus*). *Ov. Fast.* iii. 809, 810. The *tuba* was particularly made use of at the *Judi Florales*, at the scenic games, and at funeral solemnities. The *Kalatores* were messengers who called the priests; the *Præcones* (ἰεροκηρυκας) ordered silence during the sacrifice, calling out *favete linguis, pascito linguas* (εὐφημεῖτε); the *Fictores* prepared the victim, and the *Cultrarius* slaughtered it. The *Popæ* generally sold their portion of the sacrifice: *Succinctique calent ad nova lucra Popæ* (*Prop.* iv. 3. 62.).

Amidst such a multitude of religious ceremonies we shall select those that belong more immediately to the worship of the Gods. Those, who took part in sacrifices, must be pure (*castè adire deos*); therefore they washed their hands in running water or a fountain (*manus puræ*, *Ov. Met.* iv. 701.; *manus immunes*, *Hor. Od.* iii. 23. 17.), and appeared in a festive robe (*seposita vestis*, *Tibull.* ii. 5. 8.), which was of a white colour when they sacrificed to the celestial Gods, and of a dark colour when they sacrificed to the infernal. In the offering up of vows and expiations, the hair was bound up, but in supplications on account of state calamities it was dishevelled (*passis crinibus*). Prayers and vows, which were always connected with sacrifices, constantly preceded them (*votum concepisse* v. *susce-*

pisse, votum solvere); a sacrifice is called *honor* by Virgil in the same manner as among the Greeks (τιμαί, Hesiod. *εργ.* 138.).^b

^b In the earliest periods of the republic, human sacrifices were prevalent; and in the year 657 A. U. they were first prohibited by a decree of the senate. Yet, notwithstanding this, in the time of Julius Cæsar, and even afterwards, we meet with instances of human sacrifices. During the republic, consuls, prætors, dictators, could not only devote themselves, but every individual of the legion, to the infernal gods, and kill him as an expiatory sacrifice (*piaculum*). — Liv. viii. 10.

Only the best out of the herd or flock (*lecta pecora, eximia, egregia*) were selected for victims; and as these were pampered and carefully attended to for a long time previous to sacrifice, they are called by Virgil *nitidæ victimæ* (*Æn.* v. 335.). To Jupiter, Neptune, and Apollo a bull was sacrificed; to Juno a white cow; to Minerva a cow; to Mercury a calf; and to Diana a boar.^c The victims were crowned with branches of the tree sacred to the God to whom they were about to be offered (as the laurel for Apollo, the olive for Diana); they were adorned with fillets (*vittæ, velamina*), and their horns were gilt.

^c The victims offered to the celestial Gods were white. Their neck was bent upwards (*sursum reflectebatur*), the knife applied from above (*imponebatur*), and the blood sprinkled on the altar, or caught in cups. Those offered to the infernal Gods were black: they were killed with their faces bent downwards (*prona*), the knife was applied from below (*supponebatur*), and the blood poured into a ditch: —

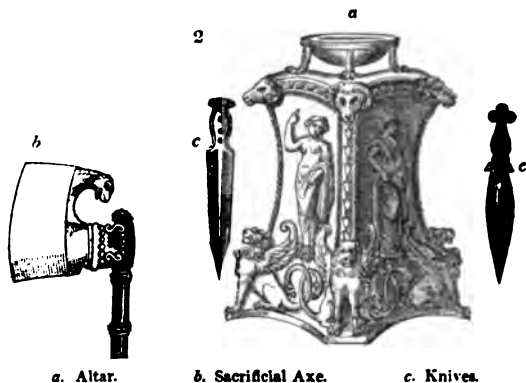
——— *Cultros in guttura velleris atri*
Conjicit, et patulas perfundit sanguine fossas.

(Ov. Met. vii. 244, 245.)

That the colour of beasts offered in sacrifice was particularly attended to, may be seen by consulting Virg. *Æn.* vi. 53. 243.; iv. 61.; v. 268.; viii. 82.; Hor. *Od.* iii. 8.

It was a good sign if the beast could be brought to

the altar (*admoveri* not *adduci*) without compulsion (*extenso fune*, Juv. xii. 5.). When silence had been commanded, *mola salsa* v. *fruges salsae* (meal mixed with salt) was sprinkled on the head of the beast this was termed *immolatio*; hence *immolare*, to sacrifice.



The priest, before he poured the wine between the horns of the beast, tasted it himself and gave it to those around him (*libatio*). He also plucked the highest hairs between the horns and threw them into the fire (*libamina prima*). The victim was said *esse macta*, i.e. *magis aucta*; for ill-omened words, as *cedere*, *jugulare*, were carefully avoided. After the sacrifice followed a feast (*Epulae sacrificales*), which in public sacrifices was sumptuously prepared by the *Septemviri Epulones*. Sometimes the victim was *wholly* consumed (*holocaustum*); if not, the priest, &c. partook of the remainder.

Those who prayed, stood usually with their heads covered; a priest pronounced the words before them (*verba praeibat*). They approached the Gods on the right side (*dextratio*, Müller, p. 130.), in reference to

the temple; they kissed their hand to them (*manum ad os movebant*), bowed themselves in order to reach their knees (*procumbere ad genua*), and turned themselves round in a circle (*in gyrum*) from right to left. In a higher grade of excitement the individual fell upon his knees or prostrated himself on the ground (*procumbebat aris advolutus*); but the prayer was never offered up with a loud voice.^d Public prayers (*precationes*) were offered up by a priest or by some magistrate; the most solemn prayer of this sort was offered up by the Roman consul before the *Comitia*. Still more public and general were the *supplicationes* (archaistically *supplicia*, Sall. Cat. ix. 2.), or thanksgivings to the Gods when a general had obtained a signal victory. A *lectisternium* then took place. Couches were placed for the Gods (*lecti v. pulvinaria sternebantur*), as if about to feast, and their images taken down from their pedestals, and placed upon those couches round the altars which were loaded with the richest dishes. These were termed *supplicationes ad pulvinaria deorum* — *ad omnia pulvinaria sacrificatum*.

^d The person who made a vow was said *vota facere, suscipere, nuncupare*; he was then *voti reus*; if his prayer was fulfilled, he was then *damnatus voti*, bound to perform his vow; and this performance was termed *vota solvere, reddere*. Those who had escaped from shipwreck hung up a picture in the temple (*votiva tabula*) representing the perils to which they had been exposed. We have also the *vota natalitia* made by an individual, on his birthday, to the Genius, or to Juno Lucina; *vota capillitia*, when the hair of children, after they had passed their childhood, was cut off and consecrated to Apollo; and the vows which subjects made for the welfare of the Emperors after a period of five, ten, or twenty years in their reign — *vota quinquennialia, decennialia, vicennialia*. To these we may add vows of sacrifices, temples, games (*ludi votivi*), a portion of booty, and what is termed the *ver sacrum*, i. e. all the cattle born from the first of March to the last of April. (*Liv. xxii. 9, 10.*) The vows were frequently written upon paper or waxen tablets, and fastened with wax to the knees of the statues of the Gods; hence *genua incerare Deorum*. (*Juv. x. 55.*)

Amongst the sacred solemnities of the Romans we must mention *dedication*, or the solemn consecration of temples, altars, &c. This was originally performed by the kings, afterwards by the consuls, frequently by two magistrates appointed for the purpose, and therefore called *Duumviri dedicandis templis*. The senate previously sanctioned it (*Lex Sulpicia Semproniana*, 449.), and the *Pontifex M.* was present at the solemnity in order to pronounce the form of dedication, which was accompanied by the acclamations of the people, with sacrifices, games, and banquets. Of a similar nature was consecration (*consecratio*^{*}); only this extended to numerous and individual objects, as statues, sacrificial utensils, fields, beasts, and diverted them from their ordinary uses. *Resecration* (or *exauguratio*), on the other hand, took place, when the whole people or individuals were again released from their vows or obsecrations; this was termed *religione solvere*. When any one was devoted to the infernal Gods, either for the state or for individuals, it was termed *devotio*[†] (Liv. v. 41. vii. 6. viii. 9.). *Excratio* was the cursing of a public and particular enemy. *Lustratio* was the purification, whether of a city, or fields, or individuals, either on account of calamity or past transgressions.

^{*} Whatever was once dedicated to the Gods could never be alienated from its proper use. Thus temples were consecrated by inauguration or dedication; and they were considered as belonging to the Gods. Graves were dedicated to the *Dii Manes*; and on that account were sacred. No sepulchre could be built or restored without the permission of the *pontifices*. Property of this kind could not be alienated, but only the right of being buried in it (*jus mortuum inferendi*). "The whole city too was a temple by means of its original inauguration; a camp too was a temple, because it was necessary to observe auspices in it; hence walls and gates were *sancta*; and hence the unchangeableness of the *pomerium*." (Nieb. ii. 622.)

[†] In this manner the Roman Generals sometimes devoted hostile

armies and conquered cities to the infernal Gods ; as, for instance, Carthage, Corinth, Veii, &c. Under the Emperors, individuals sometimes devoted themselves for the welfare and life of the monarch, as Pacuvius, tribune of the people, did for Augustus. Great reverence, too, was paid to an oath (*jusjurandum*) by the Romans ; and Livy tells us that its sacredness had a stronger influence upon the ancient Romans than the fear of laws and punishments. (*Liv.* i. 21. iii. 20.) It was only administered on important public occasions.

The *Lustratio ordinaria* of the city took place every year in the last month, February ; hence *Februare* signifies *purificare*, and *Februarius* καθαρισμός. The *lustratio extraordinaria* was performed after a calamity or plague ; the victim was carried round the city (hence called *amburbiale*, *amburbium*, see *ambarvale*, p. 35.) ; and the *lustratio* of fields was either *publica* or *privata*. A calf, lamb, or pregnant sow was there-upon offered in sacrifice. An individual performed a lustration, if he had committed murder or homicide ; also when he returned from war, if he had followed a funeral procession, had an unlucky dream, or entered a polluted house. River or sea water (*Aqua pura* v. *lustralis*) sprinkled from a branch of olive or laurel (*aspergillum*), and fumes of sulphur thrown upon a lighted torch, were used among the Romans as purifying (*lustramina*, *expiamenta*, λυματα, καθαρματα). So Juvenal, speaking of the Ghosts,

——— “ Cuperent lustrari, si qua darentur
Sulphura cum tædis, et si foret humida laurus.”

Sat. ii. 157, 158.

Whatever had been made use of, was thrown backwards over the head : *Transque caput jace* (Virg. Ecl. viii. 103.).

The public festivals (*feriæ*, *a feriendis victimis*), of which there was a very great number, were either *stativæ*, those that returned at a fixed period ; *concep-*

tivæ, those that were annually fixed by the highest magistrates; or *imperativæ*, those that were appointed on some particular occasion, so that these also may be considered as *conceptivæ*. (*Beier*, in *Jahn's Jahrb.* 1827, i. 3. p. 13.) Every circumstance was laid hold of in order to make a festival (*Meierotto*, ii. p. 22.). The most distinguished of the *Feriæ Stativæ* were the *Agonalia*, in honour of Janus; the *Carmentalia*, in honour of Carmenta, the mother of Evander — a half holiday (*dies intercisus*); the *Lupercalia*, to Lycæan Pan; the *Faunalia*, to the God Faunus; the *Quirinalia*, to Romulus (from the flight and consternation of the people on the disappearance of Romulus, this day was called *Populifugium* or *Stultorum festa*); the *Matronalia*, celebrated by the matrons in memory chiefly of the war terminated between the Romans and Sabines; *Consualia*, in honour of the God Consus; *Liberalia*, to Bacchus, on the 18th of March, when boys who had completed their fifteenth year put on the *toga virilis*; *Megalesia*, in honour of the great mother of the Gods, Cybele; *Cerealia* or *Iudi Cereales*, to Ceres; *Palilia*, to Pales; *Festum fortunæ muliebris*, in memory of Coriolanus withdrawing his army from the city (*Liv.* ii. 40.); the *Floralia*, to Flora or Chloris, and attended with great indecency, which is said to have been once checked by the presence of Cato (*Senec. Ep.* 97.); the *Regifugium*, in memory of the expulsion of the kings; and the *Saturnalia*, in honour of Saturn, when all orders were devoted to mirth and feasting, and masters treated their slaves on an equal footing (*Hor. Sat.* ii. 7.).

* The nocturnal Bacchanalia were prohibited by the well-known *senatus-consultum de Bacchanalibus*. (568 A. U. *Liv.* xxxix. 5. *et seq.*) They are distinct from the *Liberalia*.

The *Feriæ conceptivæ* comprised the *Feriæ Latinæ*,

introduced by the last king Tarquin, in order to establish unanimity between the Romans and the people of Latium connected with them (*Dion. Hal.* iv. 49.; see however *Niebuhr*, ii. p. 34.); the *Paganalia*, celebrated in the villages (*pagis*) to the tutelary Gods of the rustic tribes; the *Sementivæ*, in seed time, for a good crop; and the *Compitalia*, to the *Lares*, in places where several ways met (*ludi in compitis*). The *Feriæ imperativæ* were the *Novemdialia* or *Feriæ novemdiales*, celebrated for nine days on particular occasions; as for a victory, or when it had rained stones, or for the expiation of other prodigies. This festival, which was appointed by the Senate and conducted by the *Pontifex M.* or *Prætor Urbanus*, was first instituted by king Tullus.

To these we may add *Justitium* (*cum jura stant*), a cessation from business on account of some public calamity. The *dies profesti* (*working days*) were either *fasti*, on which the prætor administered justice, or *nefasti*, on which he did not^b; *nundinæ*, quasi *novendinæ*, market days (every ninth day); *præliares*, fighting days, and *non præliares*, as the days *after* the kalends, nones, and ides, and therefore they were called *dies religiosi, atri* v. *infausti* (*Ov. Fast.* i. 58.¹), because on those days remarkable disasters had occurred, as the defeat at Allia (*Dies Alliensis*, &c., *Livy*, vi. 1.). The ides of March, or the 15th, was called *Parricidium*, because on that day Cæsar, who had been called *Pater Patriæ*, was murdered in the senate-house. (*Suet. Cæs.* 85. 88.)

^b The *dies intercesi* (or *intercensi*) were those of which some hours in the middle of the day were devoted to judicial business, and the rest in the morning and evening were devoted to sacrifices. *Intercensi dies sunt, per quos manè et vesperi est nefas, medio tempore inter hostiam cœsam et exta porrecta fas.* *Varr. L. L.* 5. 4. (See p. 32.)

ⁱ ——— *Illis nam Roma diebus Damna sub adverso tristitia Marte tulit.* (*Ibid.* 59–60.)

CHAPTER V.

ROMAN GAMES AND AMUSEMENTS.

LUDI CIRCENSES. — CIRCUS MAXIMUS. — CERTAMEN GYMNICUM. —
VENATIO, LUDI GLADIATORII.

“ IN the early history of every people,” says Müller, “ we must conceive a time when all games and dances were games and dances in the honour of some God, just in the same manner as every greater banquet, consisting of flesh, was a sacrificial banquet. The festival procession, the music, the dancing, formed, along with the temple and statue of the God, a whole, whose parts gradually lost their connection, as they became independent or subordinate to the purposes of common life.” — “ Although in Greece all games and contests were annexed to the feasts of Gods and heroes, or to funeral rites, which were intimately connected with them ; yet scarcely at any period of history were these things so much an affair of *religion*, according to the Latin expression, as in Etruria, and afterwards at Rome.” (*Etrusker*, ii. 195. *sq.*) This is indeed true concerning the ancient Roman Games, though in later times they lost their religious character altogether. (p. 541.)

The Roman Games were usually celebrated at the expense of the state, but sometimes at the cost of

opulent individuals, of magistrates (for the sake of obtaining popular favour), and particularly the Emperor. They differed much from each other in respect to their nature as well as times and places. Many were celebrated every year, or after a number of years, at a fixed or indefinite time; many, on the other hand, on account of particular circumstances. Hence arise the names of the classes by which they were designated; as the *ludi statii, imperativi, instaurativi, votivi, quinquennales, decennales, seculares, lustrales*, &c. So, with respect to their nature, and the places where they were celebrated, we have the *ludi Circenses, Capitolini, scenici, piscatorii, triumphales, funebres*.

The establishment of the *Ludi Circenses* is ascribed to Romulus, in honour of the Tuscan God *Consus*. They were first called *Circenses* from the time of Tarquinius Priscus, who erected the *Circus*, which afterwards, for the sake of distinction, was termed *Circus Maximus*. The *Circus M.* was not merely a large vacant place, but, upon the whole, a splendid building, forming a sort of theatre—enlarged and beautified by Julius Cæsar when Dictator, and by others. The length of it was three stadia and a half (or about 437 paces); the breadth somewhat more than a stadium; and it was capable of containing at least 150,000 persons. The games were commenced with a procession from the Capitol through the forum to the Circus, and the images of the Gods were carried through the Circus in carriages (*thensæ*).^a They were followed by the sons of knights on horseback, and the rest of the people on foot, then by the combatants, dancers, musicians, &c. When the procession (*pompa*) was over, the consuls and priest performed sacred rites.

^a The spectators clapped their hands as their favourite Gods

passed by: *Plaudite Neptuno, nimium qui creditis undis, sqy.*
(Ov. Am. iii. 2. 47.)

At one end of the Circus there were several openings (*Carceres* v. *repagula*), from which the horses and chariots started (*emittebantur*). Before the *carceres* stood two *Hermuli* (i. e. the heads of Mercury or any other Deity on square cut pillars of marble) holding a chain or rope to keep in the horses. In place of these there seems sometimes to have been a white line (*linea*), or a cross furrow filled with chalk or lime, marking the place where the horses were to stand in a straight row (*frontibus æquabantur*). At this end of the Circus too, which was semicircular, there was the *porta triumphalis*, through which the victors went after the games were finished, and three open galleries, or rather towers (called *Mæniana* from one Mænius)—the upper stories of which were occupied by the *Tibicines* and other musicians, who inspired the combatants with martial music. The whole Circus, except on the side where the *carceres* were, was surrounded by a canal or moat (called *Euripus*) to prevent elephants from breaking through, and to exhibit sea-fights (*naumachie*). On the western side, which was called *Oppidum*, was the great entrance (*porta pompæ*), through which the solemn procession entered previous to the commencement of the games. On the northern side was the grand imperial seat or *Pulvinar*; on the southern side the *pulvinar* for the person who exhibited the games (*Editor Spectaculorum*); and round about there were seats (*fori* v. *spectacula*) for the spectators. The whole fabric constructed for seats was called *cavea*.

In the middle of the Circus, for almost the whole length of it, there was a brick wall, called *Spina*,

surmounted at each extremity by three columns or pyramids, called *Metæ*^b or goals, round which the horses and chariots turned^c; whence, *a carceribus ad metam*, from beginning to end. Near the first *Meta*, whence the horses started, there were seven other pillars (*Falæ*), surmounted by *Ova* (so called from their resemblance to an egg), which were taken down to denote how many rounds had been completed, and set up by the *erectores ovorum*. Above each of these *ova* was engraved the figure of a dolphin, the Circus being particularly consecrated to Neptune; hence Juvenal:—" *Consulit ante falas delphinorumque columnas.*"^d (Sat. vi. 589.) Some think that the *ova* were on one pillar, and the dolphins on another—the one at the *Meta prima*, and the other at the *Meta ultima*. The figure of an egg was chosen in honour of Castor and Pollux, *Dioscūri* (κρυπτοῖς Διοίς, sons of Jove), who presided over games (*agōnum præsides*).

^b As they were of a conical shape, hence, *metas imitata cupressus*. (Ov. Met. x. 106.)

^c The whole flat inclosed by the walls is called by the ancient writers, and especially the poets, *spatium*, more frequently *spatia*, to denote that it was run over several times in one race. (*Burgess, Antiq. of Rome*, p. 58.)

^d The *Circus Maximus* was much frequented by sharpers and fortune-tellers (*sortilēgi*), jugglers (*præstigiatores*), &c.; hence it is called *fallax* (Hor. Sat. i. 6. 113.).

The shows (*spectacula*) exhibited in the *Circus M.* comprised horse-racing with one (*singulares*) or two horses (*equi desultorii*), by which the games were opened; and chariot-racing, in which the chariots were drawn by three or four horses abreast (*quadrigæ*).^c The charioteers (*aurigæ*) were divided into different factions (*greges* v. *factiones*), according to the different colours of their livery. Thus we have the white faction (*factio alba* v. *albata*), the red (*russata*), the sky-coloured or

sea-coloured (*venēta*), the green (*prasīna*); to which Domitian added the golden and the purple (*aurea et purpurea*).^f The spectators favoured one or the other colour (*favent panno*) according to caprice, and tumults sometimes arose from the zeal of partisanship.^g

^c As the *quadrigæ* were most commonly used in the Circus, hence *Quadrigarij* is applied generally to the charioteers, whatever might be the number of horses they drove. Nero once drove a chariot at the Olympic games, drawn by ten horses (*aurigavit decemjugem sc. currum*). Suet. Ner. 24. We see on a gem, in the work of Count Caylus (i. plate lx. fig. 4.), a chariot with twenty horses yoked abreast.

^f *Evolat admissis discolor agmen equis.* (Ov. Am. iii. 2. 78.) The driver guided the horses in a standing position, and had the reins fastened round his body.

^g To show how much the populace were interested in these games, Juvenal sums up their wants in two words, — *Panem et Circenses* (bread and games, x. 80.), i. e. the corn distributed by the Emperors, and the games of the Circus. (So again, xi. 53.) The interest excited by the gladiatorial exhibitions was equally great. "At no time," says Cicero, "do we find such a concourse of people as at the gladiatorial exhibitions; no speech, no election, draws them together in such multitudes." (*Pro Sexto*, 59.)



The signal for starting was given by dropping a napkin or cloth (*mappâ v. panno misso*, sometimes put for the games — "*Megalesiacæ spectacula mappæ*," Juv. xi. 193.), after the order, in which the chariots stood, had been determined by lot. They then started from the *Carceres* and compassed the *Spina* seven times—each endeavouring to get as near the *Meta* and turn it as neatly as possible, as the innermost would save so much in distance ("*Metaque fervidis evitata*

rotis," Hor. Od. i.). This was called one match (*Missus*); the victor was crowned, and received a prize in money ^b—*graves ferventis auri victor auferat saccos*. (Mart. x. 74.)

^b The twenty-fifth emission was called *Missus ærarius*, because anciently, on that occasion, a collection was made among the people for the conqueror, either to raise him a sum of money (*æs*) or to erect him a statue. The custom of collecting money was subsequently abolished, but the last emission preserved the epithet of *ærarius*. (Burgess's Antiquities of Rome, &c. p. 86.)

The *Certamen Gymnicum* comprised five different kinds of contests (hence called *quinqertium*, πενταθλον), viz. running (*cursus*), leaping (*saltus*), boxing (*pugilatus*), and throwing the quoit (*disci jactus*). During the republic, no freeman appeared as competitor in these games; but under the Emperors, when manners began to decline, this custom was frequently violated. The *Athletæ* were anointed (hence *uncta palæstra*) with a glutinous ointment (*cæroma*), and wore nothing but drawers (*subligaria*). Hence they were said to be γυμνοί, i. e. *nudi*, (from which we have *gymnasium*, a place of exercise or a school, and *gymnastics*), and hence Horace terms this covering *campestre* (Ep. i. 11. 18.), in reference to the Campus Martius (see p. 7.). Boxers covered their hands with gauntlets (*cæstus*) with lead or iron sewed into them. The combatants were previously trained in a place of exerciseⁱ (*palæstra*), under the superintendence of a *Gymnasiarch*.

ⁱ During the intervals of exercise, or after exercise, they threw on a coarse heavy vest as a protection against cold or rain. This vest was termed *endromis*; Martial calls it *pinguem textricis alumnæ*, from its coarseness, and *peregrinam*, from its foreign name. (iv. 19.) Perhaps the following passage of Juvenal may be illustrated by contrast:—

*Rusticus ille tuus sumit trechedipna, Quirine,
Et ceromatico fert niceteria collo.* (iii. 67, 68.)

Some interpret *trechedipna* as a species of shoes or slippers; but Weber, in his edition of that poet (p. 234. sqq.), understands it as

referring to the *synthesis*, or light garment put on at dinner (*vestis cœnatoria* v. *accubitoria*). The passage might be thus paraphrased: — "Your rustic, Romulus, now wears his light garments; and he who would have been disgraced at an earlier period by appearing in the character of a prize-fighter, now displays his *niceteria*, or rewards of victory, on his anointed neck." The poet thus lashes the connection of the *endromis* with the *trechedipnon* (probably *τρεχων* and *δεδυμενον*)—the mixture of low habits with luxurious refinement.

The *Venatio* was the fighting of wild beasts with one another, or with men called *Bestiarii*, being either condemned to this (*damnati ad bestias*) by way of punishment, as the first Christians often were (*Cyprian. Op.* 54.), or induced by hire (*auctoramento*). The beasts were collected from the most distant provinces, and kept in inclosures (*vivaria*) till the day of exhibition. Pompey exhibited at once 500 lions, which were all dispatched in five days; also eighteen elephants. *Dio.* xxxix. 38. The *pugna equestris* and *pedestris* was a military game; the *ludus Trojæ* was performed by young noblemen on horseback (described by Virgil, *Æn.* v. 561. *sq.*); and the *Naumachia* were representations of sea-fights. Augustus dug a lake near the Tiber for this purpose, and Domitian built a naval theatre (*naumachia Domitiani*).

The Gladiatorial Games (*ludi gladiatorii*, usually termed *munera*, in reference either to the people, for whose gratification they were exhibited, or him in whose honour they were celebrated) were of pure Tuscan origin, being probably introduced as a substitute for human sacrifices. (*Val. Max.* ii. 4. 7.) They served also as diversions at banquets (*Müller*, ii. p. 221.), and as popular amusements on religious festivals, being furnished either at the expense of the state, of magistrates, or private individuals.

They were first exhibited at Rome by two brothers, called *Bruti*, at the funeral of their father (A.U. 490).

The person who exhibited them was termed *Munerator*, *Editor*, or *Dominus*; and though in a private station, yet, during the days of exhibition, he enjoyed the ensigns of magistracy. They were the most frequently exhibited, as public games, by the *Ædiles*, *Prætors*^k, *Quæstors*, or *Consuls*, in the amphitheatres, chiefly at the *Saturnalia* and feasts of *Minerva*; under the Emperors, particularly on their birth-days, or after important victories. They were prohibited by Constantine the Great.

* So Juvenal uses *vocem vendentis prætoribus* (vi. 360.), for a public singer, as he does *sua funera celsi prætoris vendere ludis* (viii. 192—194.), for “to become gladiators;” because the prætor, who exhibited the games, hired the performers. On the meaning of *celsus*, compare x. 36, 37, —

——— *Prætorem curribus altis
Estantem et medio sublimem in pulvere circi.*

Generally slaves, prisoners, and criminals appeared only as gladiators (*damnati ad gladium* v. *ludum*); though sometimes freemen entered the lists for hire (*auctorati*). A terrible oath was administered to these: “*uri, vinciri, verberari, ferroque necari; et quicquid aliud Eumolpus jussisset, tanquam legitimi gladiatores, domino corpora animasque religiosissimè addicimus.*”¹ Petron. Arbit. 117.) They were divided into families (*familiæ*), superintended by a *procurator*, and under the instruction of a *Lanista* or *Magister*, who delivered to them his lessons and rules (*dictata et leges*), and was then said *commentari*. During this period of exercise, they fenced with wooden swords (*rudibus batuebant*, whence *plumbeo gladio jugulari*, to be foiled with weak arguments, Cic. Att. i. 16.); and they were supplied with strong and nutritive food, *sagina gladiatoria*, or *coliphia*, from making the limbs robust (κῶλα ἰφία).

¹ As the gladiator was delivered over (*addictus*) to the *Lanista*,

in the same manner as a soldier was bound by oath to his general; hence, *Nullius addictus jurare in verba magistri*. Hor. Ep. i. 1. 14.

There were different classes of gladiators, according to their arms and mode of fighting; as the *Retiarii*, who endeavoured to entangle their adversaries with a net (*rete*), and dispatch them with a three-pointed lance (*fuscina* v. *tridens*). If he missed his throw he fled to the extremity of the arena (*totâ fugit — arend*, Juv. viii. 207.) to prepare himself for another throw, whither he was pursued by his adversary (hence termed *secutor*). We have the *Thraces*, *Hoplomachi*, or *Samnites*, so called from their armour; *Essedarii*, who fought from chariots (*essedis*), after the fashion of the Gauls and Britons; *Mirmillones*, who carried the image of a fish (*μορμυρος*, *piscis*) on their helmets; *Andabatae*, who fought on horseback, with their eyes bandaged; *Dimachaeri*, who fought with two swords; *Laquearii*, because they used a noose to entangle their adversaries; and the *Catervarii*, who fought in troops (*gregatim*, *temerè*)^m; the *Postulatii*, admired for their skill; and the *Cæsariani*, or *Fiscales*, maintained at the Emperor's charge.

^m Gladiatorial games were generally exhibited in amphitheatres, the largest of which was the *Colosseum* — begun by Vespasian and completed by Titus — capable of accommodating 87,000 spectators. The place where the gladiators fought was called *arena* (or *cavea*), from its being covered with sand (hence, *descendere in arenam*). This was surrounded by a wall, over which projected the *podium*, appropriated for the senators and ambassadors of foreign nations; and behind sat the *Equites* in fourteen rows; whence, *sedere in quatuordecim* (sc. *gradibus*), or *in equestribus*, to be a knight. There were certain persons who assigned to every one his place (*designatores*): the *Editor* could assign a more honourable seat to any of his friends. The seats occupied by the people were called *Popularia*. The entrances to these were called *Vomitoria*; and the seats separated by the passages (*viæ*), were called *Cuneus* (a wedge), because they gradually widened from the

arena to the top. Hence, *Cuneis innotuit res omnibus* (Phæd. v. 7. 35.), the affair became known to all the spectators. In the *podium* too was the seat of the Emperor (*suggestus*), elevated like a tribunal, and covered with a canopy like a pavilion (*cubiculum*); and here too was the *Editoris Tribunal*. Awnings (*vela* v. *velaria*) were drawn over the amphitheatre, as a protection against rain or excessive heat.

The Editor, who exhibited the gladiators, announced the show by a public placard (*munus ostendebat, pronunciabat, proponebat, edicebat*), containing the number of gladiators. On the day of exhibition they were led along the arena in procession, and were then paired (*componebantur, comparabantur*), and their swords examined (*explorabantur*). As a prelude to the battle (*præludentes*) they fought with wooden swords or the like, flourishing (*ventilantes*) with great dexterity. Upon a signal given with a trumpet (*feralis tuba*), they assumed their proper arms (*arma pugnatoria* v. *decretoria*), adjusted themselves (*se componebant*), and stood in a particular posture (*in statu stabant*). Then the mortal struggle commenced (*punctim et cæsim*, cut and thrust); each endeavouring to inflict a fatal wound, or to parry the thrusts (*adversos ictus cavere, propulsare, eludere*) and back or side strokes (*manus* v. *petitiones aversas*) of his adversary — taking particular care to defend his side (*latus tegere*); hence, *latus apertum* v. *nudum dare*, to expose one's self to danger. *Tibull. i. 4. 46.*

The fate of the gladiators depended upon the will of the people as well as upon their own agility. When a gladiator was wounded, the people exclaimed *habet* v. *hoc habet* (sc. *vulnus*); and he then lowered (*submittebat*) his arms, as a sign of being vanquished. If they wished him to be saved, they pressed down their thumbs (*pollicem premebant*); if not, they turned up their thumbs (*vertebant*), as a signal that he should be slain



(*ut reciperet ferrum*)ⁿ; hence, *laudare utroque pollice*, i. e. *valdè*, Hor. Ep. i. 18. 66. The dead bodies were dragged by a hook into the *spoliarium*. The victors received their prizes (*palme*) with acclamations; hence, *plurimarum palmarum gladiator*. Those who received their discharge (*rude donati*^o), were presented with a wooden sword (*rudis*), and termed *Rudiarii*.

ⁿ ————— *Verso pollice vulgi*

Quemlibet occidunt populariter ——— (Juv. iii. p. 36, 37.)

Populariter, i. e. according to the caprice of the people.

^o *Spectatum satis et donatum jam rude quæris, Mecænas, iterum antiquo me includere ludo.* (Hor. Ep. i. 1. 4.) A considerable sum of money sometimes induced the *rudiarii* to engage again: those who were dismissed on account of age or weakness were said *delusisse*.

Shocking as these exhibitions must ever appear to humanity (*crudelia et inhumana spectacula*, says Seneca), yet it cannot be denied that they contributed very much to inspire the Romans with that indifference to life and death^p, from whence proceeded that *vigor animorum* upon which their power and the extension of their dominion so essentially depended. In extenuation, we may observe that a great number of gladiators belonged to the class of public malefactors and prisoners of war, who, if they had not been *damnati ad gladium*, would have been perhaps otherwise dispatched. These exhibitions were prohibited by Constantine, but first abolished under Honorius.

^p “The constant witnessing of gladiatorial combats rendered the Romans extremely ferocious; and we may observe that the Emperor Claudius became more disposed to shed blood by being habituated to the sight of these games. The example of this Emperor, who was naturally gentle, and yet committed so many cruelties, makes it plain that the education of that period was different from ours.” (*Montesquieu*, p. 134, 135.) “The Romans, accustomed to sport with human nature in the persons of their slaves and children, could scarcely be acquainted with that virtue

which we call humanity. When men are cruel in their civil capacity, what can we expect of natural mildness and justice?" (*Ibid.*) On these exhibitions consult Meierotto, i. p. 135—152. Antiochus Epiphanes, perceiving the effects which the gladiatorial exhibitions had upon the military character of the Romans, introduced them among his own subjects. (*Liv.* xli. 26.)

CHAPTER VI.

ROMAN GAMES AND AMUSEMENTS.

LUDI SÆCULARES. — THE DRAMA (LUDI SCENICI), THEATRES, ACTORS.

THE Secular Games (*ludi Sæculares*) were by no means celebrated at the termination of every century or 110 years ; but sometimes sooner, and sometimes later. They appear to have been borrowed from the Etruscans. "The *sæculum*," says Müller, "should correspond with the longest human life of the age, or, to speak more accurately, it closes with the death of him who has lived the longest of all who were born at the beginning of the *sæculum*. (Censorin. de Die Natali, xvii. 5.) Hence the secular games at Rome were connected with the worship of Pluto and Proserpine — being celebrated when the last man of the *sæculum* had descended to the lower world, and the kingdom of death was in possession of the *whole* generation." ^a (*Etrusker*, ii. p. 331. *sqq.*)

^a According to Zosimus (ii. 1.) *Sæculum*, like *αιων*, originally signified the *period of human life*. The herald, in his proclamation, announced the *ludi sæculares* as "Games that nobody had ever seen nor would ever see again ;" but the Emperors, ambitious of celebrating them in their own reign, paid no regard to the stated intervals.

These games were preceded by long preparations ; the Sibylline books were consulted, and a general purification of the whole city took place. On the second

day of the festival, the Roman matrons assembled for sacrifice at the Capitol; and, on the third day, amongst other festivities, hymns were sung in the temple of the Palatine *Apollo*, by noble youths and maidens, in honour of this God and Diana. Of this kind is the well-known *Carmen Sæculare* of Horace. These games were celebrated for the last time under Caracalla (952).

The origin of the dramatic entertainments (*ludi scenici*) of the Romans is not altogether certain. They are usually considered of Tuscan origin, since the *histriones* (from the Tuscan *hister*) who were mere pantomimic dancers, and were termed *ludiones*, were sent for to Rome from Etruria during a plague, in order to appease the anger of the Gods by their skill. The *fabulæ Atellanæ* were a species of dramatic entertainment imported from Atella, a town of the Osci in Campania, in which the Roman youth used to attack each other in satirical couplets during the intervals of some rude game (perhaps the *exodia*, or farces). Livius Andronîcus was the first who attempted to introduce the Greek drama into Rome ("*A saturis — ad fabularum argumenta spectantium animos transtulit*," Val. Max. ii. 4.), and draw the attention of the Romans from the *saturæ*^b (or miscellaneous compositions, from *lanx satûra*, a platter filled with various kinds of fruit) to representations containing a regular plot.

^b As their contents were chiefly of a sarcastic and ironical character, hence those poems which were afterwards written in order to ridicule the vices and follies of mankind were termed *satires*: for instance, the Satires of Horace, Juvenal, and Persius.

Dramatic entertainments, in their improved state, were of three kinds: Comedy, Tragedy, and Pantomimes. Comedies were divided into *Togatæ*, in which

the characters and dress (*toga*) were Roman; *Palliatae*, when the characters and dress were Grecian (from *pallium*, the robe of the Greeks); *Prætextatae*, when persons of rank were introduced, though some take these for tragedies^c; *Trabeatae*, when generals and officers were brought on the stage; and *Tabernariæ* (from *taberna*, a shop), when the characters were of a low grade. The actors of Comedy wore a low-heeled shoe (*soccus*). If there was much of bustle, action, or passion, the comedy was said to be *Motoria*; if otherwise, *Stataria*; if neither one nor the other, *mixta*; and the musical accompaniment was chiefly that of flutes (*tibiæ dextræ* and *sinistræ*, *pares* and *impares*). The *Exodium* was the farce acted after the tragedy, to dispel melancholy impressions. The *εισοδια* were performed at the beginning, and the *εμβολα*, or interludes, in the middle, of the drama.

^c "It is worthy of remark, that the *prætextatae* belonged to the class of native theatrical representations, and, like the *Atellanae*, might be enacted by the distinguished Roman citizens without endangering their rights of citizenship; and that, properly speaking, they were analogous to tragedy, for the Roman character could not bear the exposure of its laughable peculiarities."

From the dialogue proper (*diverbia*) and the monologue (*soliloquia*), which were spoken, we must distinguish the *cantica*, which were accompanied by the flutes, and a player who performed the necessary gesticulations.^d This player was termed *actor*, and was said *canticum agere*. The chief of the Chorus was termed *Choragus*, or *Coryphæus*. The actors wore masks (*personæ* v. *larvæ*^e, see *fig. 5.*), which they took off, however, when they came upon the stage at the close of the piece to receive the plaudits of the company. Those who wrote a play were said *docere* v. *facere fabulam*: if it was approved, it was said *stare*, *stare*

recto talo, placere, &c.; if not, *cadere, exigi, exhibilari, &c.* The chief writers of Comedy were Plautus and Terence.

^d *Bachr's Geschichte der Römischen Litteratur*, p. 92.

^e The *larva* was a mask used for exciting alarm, or for caricature. The *persona* (*personare*, from *sonus*) was lined with metal or horn, in such a manner as materially to assist the power of the voice; and it appears from an ancient illuminated MS. of the comedies of Terence, preserved in the royal library at Paris, that it covered the entire head. Its use was rendered in some measure necessary by the vast size of the roofless theatres. It was not employed on all occasions. (*Sketches of the Institutions, &c. of the Romans.*) The female characters were supported by male actors. (*Juv.* iii. 95.) That the theatre was the school of young orators with respect to action and pronunciation is too strongly corroborated by the example of Cicero (who formed himself under *Æsopus*) to require further instances. (*Meierotto*, i. p. 134.) An actor, who violated either, was hissed. (*Cic. de Orat.* iii. 18.)



Tragic actors wore a high-heeled shoe or buskin (*cothurnus*), both on account of the immense size of the theatres, and in order to elevate themselves to the heroic stature; hence *cothurnus* is used for a tragic or lofty^f style, as *soccus* for a familiar style, or the style of comedy:—“*Nec comædia in cothurnos assurgit, nec contrâ tragaedia socco ingreditur.*” Quint. x. 2. 22. *Æschylus* invented the *cothurnus*, as well as the mask (*persona*) and the long-flowing robe (*palla, stola, v. syrma*).

Musa nec insano syrma te met. (*Mart.* iv. 49.)

The *Pantomimi* expressed all by dancing and gestures without speaking (*loquaci manu*, hence called *Chironōmi*). *Pylades*, a favourite of Augustus, and *Bathylus*, a freedman and favourite of *Mecænas*, were two of

the first Pantomimes ; and both were affected with the bitterest jealousy, which occasioned many disturbances. (*Suet. Aug.* 45. *Nero*, 16.) *Paris* flourished in the time of Domitian, *Juv.* vi. 87. To these we must add the rope-dancers (*Funambuli*, *Schaenobatae*), the jugglers (*prestigiatores*), and the *Petauristae*, who darted their bodies into the air from a machine (*petaurum*). The actors were applauded or hissed according to their performance ; the most approved received crowns (*corollae*) or rewards (*corollaria*).^s

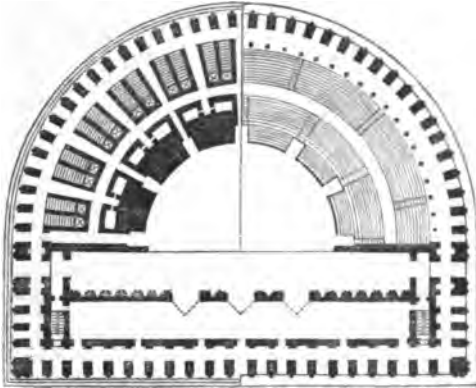
^f *Grande cothurnati* — *Maronis opus*. (*Mart.* v. 5.)

^s It would not be difficult to suggest reasons why the Romans never rivalled the Greeks in tragedy. Amongst these we would particularly mention the broad line of demarcation betwixt the different classes of society — the want of internal and external rest — the rusticity of the Romans, and the blunting of their feelings by being constantly habituated to the horrors of war. To these we must add their partiality for the games of the Circus — of gladiators — for triumphal processions ; and, amongst the more educated, the prevalence of the Epicurean and Stoical systems of philosophy — both of which were adverse to the cultivation of the Drama. (*Kopke*, in *Seebode's Archiv.f. Philolog.* &c. i. 5. 46.)

In the earliest times, theatres were erected only of wood, and taken down after the exhibition was over ; but afterwards of stone. The most splendid Theatre was that built by the Ædile M. Æmilius Scaurus, capable of containing 80,000 persons ; to which we may add those of Pompey, Balbus, and Marcellus, frequently termed the *terna theatra*, because they were in the neighbourhood of each other.^b In form, the theatres resembled a horseshoe (see *fig.* 6.) ; the stage (*pulpitum*) occupied a platform which closed in the flat end of the building, and was divided into the *postscenium*, where the actors dressed and undressed, and the *proscenium* where they appeared before the spectators ; hence, *ludibria scenâ et pulpito digna*, buffooneries fit only for the stage.ⁱ The *orchestra*, or, as we should

say, the pit^k of the theatre, was filled with the senators, knights, &c.; behind which rose the seats or

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benches (*cunei* v. *gradus*) in the same manner as in the Amphitheatre.

^h “*Proque tribus resonant terna theatra foris.*” (Ov. Trist. iii. 12. 24. The three *fora* are, the *forum Romanum*, *Cæsaris*, *Augusti*. (See p. 5.)

ⁱ *Scena* is sometimes used figuratively, — *Tibi nunc populo et scenæ serviendum est.* (Cic. ad Brut. 9.)

^k These seats were termed *cavea ima*, for the senators; *cavea media* v. *quatuordecim*, for the knights; and the highest, *cavea summa*, for the people. On the other hand, the divisions of these seats, formed by the thoroughfares or passages, were termed, from their wedge-like appearance, *cunei*; the lowest, for the senators, *orchestra*; the middle, for the knights, *cunei equestres* v. *quatuordecim*; the highest, for the people, *cunei populares*. These seats, when considered according to the successive rows in a horizontal direction, were termed *gradus*. (Ramshorn, 251.) The law assigning particular seats to the Equestrian order was brought forward by L. R. Otho (*Lex Roscia Theatralis*, A. U. 685); hence the satirist, — *Sic libitum vano, qui nos distinxit, Othoni.* Juv. iii. 159. It was afterwards enforced by *designatores*. (See p. 69.) When the scene was suddenly changed by certain machines, it was called *scena versatilis*; when it was drawn aside, *scena ductilis*. The scenery was concealed by a curtain, which, contrary to the modern custom, was dropped (*premebatur*) when the play began.

The principal change introduced by the Romans into the drama, and which continues to affect it in every country in Europe, respected the *Status* or rank of actors in society. “‘ They ordained,’ says St. Augustine, ‘ that this sort of men should not only want the honour of citizens, but also be disfranchised and thrust out of their tribe (*tribu moti*) by a legal and disgraceful censure, which the censors were to execute ; because they would not suffer their vulgar sort of people, much less the senators, to be defamed, disgraced, or defiled with stage players.’ The contempt of the Romans for players might be founded partly upon their confounding this amusement with the games of the Circus and Amphitheatre, performed by gladiators and slaves, the meanest, in short, of mankind.” (*Sir Walter Scott, art. Drama, Encyc. Britannica.*)¹ The exception of the Roman youth, who enacted the *Fabulæ Atellanæ*, from this proscription, seems to indicate that the edict originated in the national pride of the Romans, and their contempt for Grecian literature. Roscius, the actor, was the friend of Piso, Sylla, and Cicero himself. (*Ibid.*) This, however, was an exception, rather than the rule, and was grounded upon the great personal worth of Roscius. (See *Meierotto*, i. 131.)

¹ Nepos, in his preface, alludes to the different estimation in which the Romans looked upon actors, to the Greeks. Plays were frequently forbidden in Rome on the ground of their being unfavourable to morality. (*Tac. Ann.* iv. 14. ; *Suet. Nero*, 16. ; *Dom.* 7.) Even under the corrupt government of Tiberius, knights were prohibited from visiting the actors of pantomimes, or walking with them in the streets. (*Suet. Tib.* 25.)

CHAPTER VII.

DIVISION OF THE ROMAN PEOPLE.

PATRICIANS. — PATRONS, CLIENTS. — PLEBS. — TRIBES, CENTURIES,
CLASSES. — EQUITES. — NOBILES.

IN order that we may judge the political system of the Romans aright, we must view it in its different periods, and in connection with its three principal changes:— the *Regal*, *Consular*, and *Imperial*. The first of these forms of government continued till the year of Rome 244 (510 B. C.)^a; the second till the year 723 (31 B. C.); and the third till the fall of the western empire in the year 476 after the birth of Christ. But before we can appreciate the subject properly, we must speak concerning the division of the Roman people.

^a The government under the kings was properly of a mixed kind; and we must estimate their authority according to the scale of the ancient Greek kings, or leaders of individual tribes, rather than according to our usual conceptions of unlimited power. The offering of sacrifices, legislation, the right of judging, of convoking the senate and the people, were the peculiar privileges of the kings; and yet, in the exercise of these privileges, they were in many cases controlled by the participation of the senate and the popular assemblies.

The people consisted of three national tribes: *Ramnenses*, *Tatienses* (*Titienses*), and *Luceres*. These formed the original *tribus*, i. e. τριττος, or *one third*. Livy, on the other hand, tells us that *tribus* is derived from *tributum*. (i. 43.) They each received their portion of territory, and they dwelt together for the prac-

tice of their peculiar religious rites (*sacra*). For the transaction of public business they were divided into *Curia*; each tribe had its own Augur. He who presided over one *Curia* was called *Curio* (*quia sacra curabat*); and he who presided over them all, *Curio Maximus*.^b At the earliest period, each *Curia* appears to have embraced ten families (therefore 300 in all); but concerning the nature of these tribes, and their relations to the Patricians, Plebeians, *Curia*, &c., only few and meagre notices are extant.

^b Each of these *Curia* had a particular name (*Curia forensis, Rapta, Veliensis*); each had a particular place for its assemblies (see p. 9.), which were of a religious as well as a political character, according to the spirit of the elder time. The members of a *Curia* were called *Curiales*. The *Curia* existed in the imperial time, but quite under an altered form. Laborious duties, burthens, and expenses were connected with admission into the *Curia*, but especially with the decurionate; hence it was a distinction avoided rather than sought after. (*Plin. Ep. x. 114.*)

In later times, the Patricians (*patricii*) appear as the only ruling order. The whole body was termed *populus*, and, as descendants of the three tribes, they constitute the *nobility* in relation to the *plebs*, or common people, afterwards admitted by the state. They alone had the rights of citizens and families (*gentes*)^c, in their full integrity; they alone were exclusively entitled to the Auspices which were necessary in a marriage between Roman citizens:—*Connubium est matrimonium inter cives*; for between slaves, or between a citizen and a man of foreign condition, it is not *connubium*, but *contubernium*. (*Liv. xxxviii. 36.*)

^c The following definition of *plebs* is given in the Institutes:—*"Plebs autem a populo eo differt quo species a genere: nam appellatione populi universi cives significantur, connumeratis etiam patriciis et senatoribus. Plebis autem appellatione, sine patriciis et senatoribus, ceteri cives significantur."* (*L. i. t. i. § 4.*)—The *Gentiles* (see the note below on *Gens*) *sunt, qui inter se eodem*

nomine sunt, ab ingenuis oriundi, quorum majorum nemo servitutem servavit, qui capite non sunt diminuti. (Cic. Top. vi. 29.) "None but the houses which composed the three ancient tribes were fundamental parts of the state; and thus the patricians were able to boast that they alone had a house (*vos solos gentem habere*, Liv. x. 8.); while, nevertheless, there were members of plebeian houses by thousands at Rome, who, in the municipal towns, possessed gentile privileges." (Niebuhr, i. p. 275.) When the plebeians obtained the right of intermarrying with the patricians, and bearing civic offices, they then participated in the *jura gentium v. gentilitia*. Hence from this period there were *gentes* of the plebeians as well as the patricians, and sometimes patrician and plebeian families in the same *gens*.

Those belonging to the Patricians in the character of patrons (*patroni*) were termed clients (*clientes*). "The clients who neither gained their livelihood by trade nor had acquired property received grants from their patrons of building-ground on their estates, together with two acres of arable land; not as property, but as a precarious tenement which the owner could resume if he felt himself injured. But all, however different in rank and consequence, were entitled to paternal protection from the patron: he was bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical.^d On the other hand, the clients were obliged to be obedient to their patron, to promote his honour, to pay his mulcts and fines; to aid him, jointly with the members of his house, in bearing burdens for the commonwealth, and defraying the charges of public offices; to contribute to the portioning of his daughters, and to ransom him or whoever of his family might fall into an enemy's hands. If the client died without heirs, the patron succeeded to his property."—(Niebuhr, i. p. 280.) A Roman considered it peculiarly honourable to be preceded by numerous clients (*præcedentia longi agminis officia*, Juv. x. 44.).

^d In the twelve tables we find it written, — *Patronus a clienti*

fraudem, fecerit, sacer esto, If a patron defraud a client, let him be accursed. So Virgil places in the number of those who are undergoing punishment in the infernal regions, patrons "*quibus — Fraus innexa clienti.*" (*Æn.* vi. 609.)

"How the Roman commonalty (*plebs Romana*, or *ordo plebeius*) originated, is visible in the traditions which represent all the conquests before the time of Servius Tullius to have been of such a kind, that many places were converted into colonies, others destroyed and their inhabitants carried to Rome, where they, as well as the citizens of the former, received the Roman franchise." (*Nieb.* i. p. 280.)^c This free *plebs* increased and obtained power, becoming particularly eminent for their military services, although the patricians endeavoured to check them by the multiplication of their clients, as a counterpoise for their own security. But the patrician families were gradually diminished by becoming extinct; and hence arose those commotions in after times with respect to political functions or offices, all of which were in the hands of the patricians.

^c It was very natural, therefore, that Tarquinius Priscus, in order that the state might not be destroyed by its own distractions, should wish to create a new tribe out of the plebeians; the original ones being now antiquated and meaningless forms, not able to supply the services or necessities of the state. This, however, he could not effect, by reason of the opposition he met with; but it was effected by Servius Tullius. Upon the whole, it appears that the patricians stood in much the same relation to the plebeians as the citizens at Athens (*πολῖται*) did to the resident foreigners (*μέτοικοι*).

Tarquinius doubled the ancient number of the tribes by the addition of new divisions: "Six vestal virgins," says Cicero, "were appointed, in order that each division of the people might have its *ministra sacrorum*, or priestess; for the Roman state was divided into six parts — the *Titienses*, *Ramnes*, *Luceres*, first and second,

primi secundique." (De Repub. ii. 20.) Servius Tullius, however, did not find this regulation sufficient, since the constant numerical increase of the *plebs* appeared to entitle them to a share in state-offices. He therefore permitted the old tribes to remain with their peculiar family and religious character, and their attendant privileges; but he divided the mass of the plebeians also into *tribes*, according to their place of residence; so that this was a local or territorial division, and not, like the earlier one, a division according to families (*gentes*).^f The number of these tribes is doubtful (*Schulze, Volksversamm. d. Rom.* p. 38. sqq.) We must remark, however, that they were distinguished into *Tribus urbanae* and *Tribus rusticae* according as they resided within or without the city; and that each had its particular name, as, for instance, the four city tribes, which were termed *Tribus suburbana*, *Esquilina*, *Collina*, *Palatina*. (See pp. 3, 4.)

^f *Gens* (*genere, gignere*), as a number of persons of common descent, comprises all those who can trace back their origin through all possible degrees of relationship to one common parent. *Familia* includes those who belong, as the nearest blood relations, to a descendant from the same common parent in a direct line. Those who belonged to a *gens* bore the name (*nomen*) of the common parent of the *gens*: those who belonged to a *familia* bore also the name of their common family-father, as a surname (*cognomen*). Thus, those who sprung from a *Cornelius* bore the common name of *Cornelii*: the families of this *gens* *Cornelia* were the *Cornelii Dolabellæ*, *Cornelii Scipiones*, *Cornelii Lentuli*, *Cornelii Sullæ*, *Cornelii Cinnæ*. (Ramshorn, 627. See, however, Niebuhr, i. p. 270.)

Each individual tribe was divided into *classes*; these again into centuries (*centuriæ*); and the classes were arranged according to the value of their property. To the first class belonged those who possessed 100,000 *asses* or more; to the second, those worth between 100,000 and 75,000; to the third, those between 75,000 and 50,000; to the fourth, those between

50,000 and 25,000; to the fifth, those between 25,000 and 12,500 ases. The sixth class comprehended all those who fell below this standard: hence they were termed *capite censi* (rated by the head) and *proletarii*; hence *sermo proletarius*, a low style.^b This, properly speaking, was not a class.

^a "Pliny takes 110,000 ases to be the limit of the property of the first class; Aulus Gellius (as we see in the following note), 125,000. The Romans knew only of five classes. The phrase *locuples testis* demonstrates that, even in giving evidence, there was a distinction humiliating to the poor. Where such was the case, it cannot be supposed that the proletarians were eligible to plebeian offices: but, to make amends for this, they were exempted from taxes." Niebuhr, i. 393.

^b The term *classici*, says Aulus Gellius (*Noct. Att.* vii. 13.), was not applied to all of every class, but only to the men of the first class, who were rated at 125,000 ases or more (*centum et viginti quinque millia æris ampliusve censi erant*). The use of the term classical is supposed to be founded upon this division of the Roman citizens. Others have endeavoured to derive the use of the term from the canon established by the Alexandrine grammarians Aristophanes and Aristarchus, in which the principal writers only were admitted according to certain classes (*τάξεις, ordo, classis*), in relation to their internal value. (See Anthon's *Lempriere*, under *Alexandrina Schola*.) This derivation, however, appears to be contradicted by a passage in Aulus Gellius (*Noct. Att.* xix. 8.), — *Classicus assiduusque aliquis scriptor non proletarius* — where *classicus* and *assiduus* (*ab asse dando*, implying liability to taxation, and synonymous with *locuples*, Niebuhr, i. p. 389. 393.) are opposed to *proletarius*.

The first class (*classici*) comprised eighteen centuries of knights (*equites*), eighty centuries of infantry, with a century of smiths and carpenters; the second comprised twenty centuries; the third and the fourth the same; the fifth contained thirty centuries, with three centuries of musicians; the remaining plebeians were reckoned but as one century, though their number exceeded that of any of the other classes. The whole, again, were divided into the class of young men (*juniorum*), from 16 to 45 years of age, and the class of *seniores*, from 45 to 60 years of age. According

to some, civic rights expired at this age.¹ Thus, the possession of the full rights of citizenship was connected with the division into tribes; and by means of the centuries the mass of the tribes were distinguished according to their age, rank, and property. According to Livy, there were 191 centuries; according to Dionysius, 193; others reduce them to 170.

¹ The great advantage of this division of Servius Tullius consisted in diminishing the influence of the lower classes; for the majority in the *comitia* was no longer estimated according to the votes of individual citizens, but according to the number of the centuries. As the centuries of the first class exceeded all the rest — if they were unanimous, the affair was decided, and the others were not called upon to vote.

The knights (*equites* v. *ordo equestris*), which were chosen by Romulus out of the three ancient family-tribes (100 from each), have been considered as a third and distinct order. They were not, however, originally so, nor till the time of Caius Gracchus (630 A.U., 124 B.C.), when they were distinguished by particular privileges (*amplissimus ordo*, Cic.), and their number became limited. The necessary property-qualification (*census*) of a Roman knight was the possession of four hundred sestertia (about 3,229*l.*)^k; the requisite age was about 18 years. They submitted, previous to their admission into the order, to an examination of the censors; and, if they were found worthy, ten thousand ases were given to each for the purchase of a horse and the necessary outfit (*æs equestre*); whilst a tax for its maintenance (*æs hordearium*) was laid upon single women (*viduæ*, i.e. maidens as well as widows).

^k “Polybius (vi. 20.) says, at present the knights are chosen according to their fortune [“perhaps as early as 400 B.C.”]; formerly, therefore, it was otherwise, that is, according to their birth: and Zonaras informs us that the censors had the power of

rewarding merit, by raising the *erarian* into the tribes, and the mere plebeian into the equestrian order; and contrariwise, of punishing such as led a bad life, by erasing them from both the two upper ranks." (*Nieb.* i. p. 373—380.) At the siege of Veii (400 B. C.) we are told that those possessing the requisite fortune — to whom horses had not been assigned — offered to provide them at their own expense. This proposal was accepted, and then, according to Livy (v. 7.), the knights first received pay. We find it allowed as a reward to P. Æbutius (186 B. C.) not to have a public horse assigned to him — a proof that the duties must have been burdensome. Horses were furnished to the knights down to a late period, as we find from ancient inscriptions. (*Gruter, Inscript.* 414.)

The office of the Equites (*munus*) at first was only to serve in the army; but afterwards they also acted as judges or jurymen (*Gracchani iudices*, says Cicero), and were the farmers general (*publicani*) of the public revenue. The badges of the Equites were a horse given them by the public (*equus publicus, legitimus* — hence *equo publico merere*); a golden ring (*annulus aureus* — hence *annulo aureo donari*, to be chosen a knight); a robe or vest distinguished from that of the senators by a smaller purple stripe (*angustus clavus*, or *tunica angusticlavia*); a separate place at the public spectacles¹, next to the senators, who were often chosen out of their body. They made a splendid procession (*transvectio*) annually from the temple of Mars or of Honour to the capitol. They wore olive crowns on their heads, were dressed in their *togæ palmatæ* or *trabæ* of a scarlet colour, and bore in their hands the military honours which they had received from their general as a reward for their bravery. (*Dionys.* vi. 13.)

¹ Fourteen seats were reserved for this purpose (see pp. 59. 69.):

*Bis septena tibi non sunt subsellia tanti
Ut sedeas viso pallidus Oceano.* (Mart. v. 27.)

You do not thrust yourself in among the knights (*bis septena subsellia*), that you may grow pale at the sight of the box-keeper (*Oceanus*).

Every fifth year, when this procession was made,

they were reviewed (*recognoscabantur*) by the censor. Those, with whose conduct the censor was satisfied, were ordered to lead on their horses (*traducere*); but if any knight was corrupt in his morals, had diminished his fortune below the equestrian standard, or had not taken even proper care of his horse, he was ordered to sell it in order to refund the outfit-money to the state: hence *adimere equum*, to degrade a knight. The ancient name of the knights was *Celeres*, afterwards *Flevarumines*, also *Trossuli*.^m The knight whose name was first in the list was termed *equestris ordinis princeps*, or *princeps juventutis*.

^m The 300 knights of Romulus were divided into three centuries, bearing the same names of distinction as the tribes, namely, *Ramnenses*, *Titienses*, and *Luceres*. Tullius Hostilius added 300 more from the Albans. Tarquin I. doubled them, but still preserved the number and names of the centuries; only that the new ones were termed *Ramnenses*, *Titienses*, and *Luceres posteriores*. Servius Tullius increased the number of centuries to eighteen.

A new order was created when the Plebeians in their struggles against the Patricians had acquired the right of admission to civic offices. This was an order of merit (*nobilitas*) accessible to those whose fathers were knights, or who had borne themselves any curule magistracy, such as the consulship, prætorship, censorship, &c. They possessed the *Jus imaginum*, or right of having images of themselves made of wax, which they placed in the courts of their houses (*atria*), and on which were written titles and inscriptions, pointing out the honours they had enjoyed, and the exploits they had performed.ⁿ Hence *imagines* is often put for *nobilitas*, and *cera* (wax) for *imagines*. These images were kept with great care, and exhibited at funeral processions; the greater the number a family possessed of such images or busts, the more distinguished it was. Those

who were the first of their family that had raised themselves to any curule office were called *novi homines*, or upstarts (hence Cicero styles himself *homo per se cognitus*, Cat. i. 11.); and those who had no images of their own or their ancestors were termed *ignobiles*. *Nobilitas* is sometimes used for the Patrician order, and thus opposed to *plebs*.

ⁱ *Ergo ut miremur te, non tua, primum aliquid da,
Quod possim titulis insidere præter honores, &c.*

(Juv. viii. 69.)

If you wish, then, that our admiration should be extended to yourself, and not confined merely to your property — i. e. the images of your ancestors — let me have something to inscribe besides the offices which they enjoyed: *miserum est aliorum incumbere famæ*. (Ib. 76.) What is the value of your noble pedigree, (*quid stemmata faciunt?*) if your life is in direct opposition to that of your ancestors? (Ib. 1—20.) On the *Novus homo*, see Meierotto, i. 43—53.

CHAPTER VIII.

SLAVES.

DIFFERENT SORTS OF SLAVES. — SLAVE MARKETS. — CONDITION AND PUNISHMENT OF SLAVES. — MANUMISSION OF SLAVES.

SLAVES (*servi*, *mancipia*, *servæ*.) stand in opposition to the free (*liberi*)^a, and in the eye of the law were considered only as things (*corpora*, transferrible from one owner to another, like any other effects), and not as persons (*personæ*). Hence the master (*dominus*) had the power of life and death over his slaves. Slaves were sometimes prisoners of war (the *dedititii*, who voluntarily laid down their arms, retained the rights of freedom); or they were imported by slave-dealers (*venalitarii mangones*) from Asia (particularly Phrygia and Syria, *Syri venales*), Illyria, Dacia, Scythia, Spain; hence their names in the comedians *Davus*, *Geta*, *Syrus*.

^a The term *libertas* comprises all the rights of a Roman citizen; for the *jus libertatis* protected him against the power of masters (*dominorum*), the dominion of tyrants, the rigour of the magistrate, the cruelty of creditors, and the usurpations of powerful citizens. — No magistrate had the power of putting a citizen to death, or inflicting any punishment upon him, if he appealed to the people (*provocare*). The words *Civis Romanus sum* could render the most rigorous sentence of the magistrate ineffectual; hence *Quirilare*, i.e. *Quiritium fidem implorare*. According to the *Lex Sempronia de capite civium* (by C. Gracchus), sentence of death could not be pronounced upon a Roman citizen except by the whole people in the *Comitia Centuriata*. The rule was, of course, violated in civil commotions; though even then it was considered

a stretch of arbitrary power — as in the conduct of Cicero towards those implicated in the Catalinarian conspiracy. The *Lex Clodia* (695), drawn up by his adversary Clodius, drove him into exile. (*Cic. pro Dom.* 18, 19, 20.) The Roman citizen also enjoyed perfect security against all personal maltreatment on the part of creditors, by a law introduced by the Consuls C. Poetelius and L. Papirius. (A. U. 429.) The kidnapping and retaining of freemen (or of slaves) was termed *plagium* (*Lex Fabia de plagiaris*); and hence literary thieves were called *plagiarii*. (Mart. i. 53.)

The Roman slave-trade was chiefly carried on at Delos, the great mart of the Cilician pirates. Those who became slaves by birth were termed *Vernæ* or *Vernacula*; hence, *lingua vernacula* v. -*aris*, one's mother-tongue. We must distinguish betwixt *servitus justa* and *injusta*; the former arises from birth, or is inflicted as a punishment for crime. Thus, for instance, those who did not enroll themselves in the censor's book, or refused to enlist (*qui censum aut militiam subterfugerant*), had their property confiscated, and were sold beyond the Tiber. Those who were condemned to the mines, to fight with wild beasts (*ad bestias et ad metalla*), or to any extreme punishment, were previously deprived of their freedom, and denominated *Servi pœnæ*.

A Roman citizen might be reduced to slavery by being taken prisoner of war (*servitus injusta*); but upon his return he resumed all his former rights (*ingenuitas*). A decree was passed by the senate prohibiting those who had voluntarily sold themselves for slaves from the resumption of their civic rights. A father, by virtue of his paternal authority (*patria potestas*), might sell his son (provided he was unmarried) three times: this, however, did not entirely compromise the son's rights as a citizen; he had a preference over the other slaves, was not maltreated by his master, and, when freed from his slavery, was held

as *ingenuus* (freeman), not *libertinus* (a freedman). The same was the case with insolvent debtors, who were given up as slaves (*addicti in servitutem*) to their creditors. By an edict of the emperor Diocletian, Christians of an inferior grade were deprived of their civil rights.

The principal slave-markets at Rome were in the Campus Martius and in the Thuscus Vicus, near the temple of Castor. The slaves were commonly exposed to sale naked with a scroll (*titulus v. inscriptio*) hanging at their necks, and specifying their good and bad qualities.^b They were exposed in a wooden stall (*catasta* i. e. *machina*) or one of stone (*lapis*); hence a slave was termed *emptus de catasta*, or *emptus de lapide*. (Cic. Or. in Pis. 15.) It was customary for a slave-dealer to warrant (*præstare*) a slave, which enhanced his price; those that could not be warranted were sold with a kind of cap on their heads (*pileati*). Those too that could not be warranted had their feet whitened with chalk (*cretatis v. gypsatis pedibus*; used figuratively. *Ov. Am.* i. 8. 64.) Sometimes they were sold upon condition that, if they did not please, they might be returned (*redhiberentur*) within six months; the best were crowned on the occasion (*sub corona vendebantur*). Newly imported slaves were termed *Venales*, or *Servi novicii*; whilst those who had acquired cunning by length of service were termed *Veteratores*. The mass of slaves belonged in part to the state (*servi publici*)^c, and were employed in public buildings, mining, in matters pertaining to war, or as the servants of magistrates; and in part to private persons (*servi privati*), who employed them in all domestic services, and in various arts and manufactures which were considered beneath the dignity of free-born citizens: — *artes illiberales v. sordidæ, τέχραι βάνανσαι*.^d

^b The *Mangones* used every art in showing off their slaves to the best advantage: — *colorem fuco, et verum robur inani saginā mentiuntur.* (Quinct. ii. 15. 25.)

^c Slaves were distinguished according to their different employments, as *Chirurgi, Medici, Alyptæ, &c.* Those who had no particular employment were termed *Mediastini*. In the time of Gracchus, large tracts of land were cultivated by slaves in fetters (*catenati cultores*). (Flor. iii. 19.) The number of slaves in Rome and Italy was immense. Some rich Romans were proprietors of several thousands. (*Sen. Benef.* viii. 10. *Plin.* xxx. 1. s. 6.)

^d Since, according to the views of the Romans, in the zenith of their political existence, education was only allowable to the free-man — to the citizen of Rome, and not to the slave — the different branches of knowledge and science were termed *liberales artes, ingenuæ literæ*, or *ingenuæ artes*, in opposition to the mechanical and grovelling occupations mentioned in the text (*operæ mercenariæ*). Thus, for instance, the art of medicine was committed to slaves: — *Solam hanc [medicinam] artium Græcarum nondum exercet Romana gravitas.* (Plin. xix. 1.) It may be remarked, that the terms *humaniora studia, humaniores literæ*, employed as a designation for classical studies, do not occur in any ancient classical writer, but were introduced during the middle ages. The observation of Cicero, *Omnes artes quæ ad humanitatem pertinent* (pro *Archid.* i.), may have originated the phrase. *Humanitas*, says Gellius (*Noct. Att.* xiii. 16. 15.), does not answer to the Greek *φιλασθηπία*, but to the term *παιδεία*, i. e. *eruditio institutioque in bonas artes*.

When the number of slaves (*familia*) belonging to a master was very great, and when they were occupied in the country as well as the city, it became necessary to divide them into the *familia urbana* and the *familia rustica*, and also into *decuriæ*, with corresponding registers. Slaves were also distinguished by a particular dress (*vestis servilis*); and they had a certain allowance (*dimensum*) for their sustenance, receiving it monthly (*menstruum*) or daily (*diarium*). What they could save or procure by any other means, with their master's consent, was termed *peculium*^e; and with this they sometimes purchased a slave for their own profit, who was termed *Servi vicarius*. (Mart. ii. 18.) The treatment of slaves at Rome was harsh and severe, as we might conjecture from the national character;

and, in fact, the condition of slaves amongst all nations defines the character of the latter.^c Thus, at Sparta the slaves or helots were without rights, as at Rome ; but at Athens protection was secured to them against the bad usage of their masters by means of an asylum in sacred places.

^c That which a son procured by military service was termed *castrense* ; by other employments, *quasi castrense* ; by permission of his father, *profecticium* ; or by inheritance from the mother's side, *adventicium*. Ramshorn, 645.

^f At Rome, slaves could not be admitted as witnesses (*intestabiles*) in a court of justice ; they could not make a will, or receive anything by inheritance ; and they were incapable of performing military service unless they had previously received their freedom. The power of the master over them was in fact unlimited.

“ Slaves, whose occupations as overseers of farms (*villici*) or as herdsmen required that they should live apart from the rest, were allowed to dwell in separate houses ; but all domestics inhabited a sort of barrack, attached to the dwelling of their master. Artisans were lodged in a workhouse (*ergastulum*), where they exercised their craft ; and this abode was, usually, at some *villa* of the owner.” [These were abolished by Hadrian]. “ Each slave had a separate cell, like the Roman soldiers ; males and females were kept apart, except those whom the master permitted to form unions (*contubernia*) resembling marriage. The *adscripitii* v. *adscripti glebæ* could not be separated from the soil to which they were attached ; but were, in most other respects, upon a level with slaves employed in agriculture. The state of the *coloni* may be characterised as one of imperfect or abridged freedom, rather than of mitigated servitude.” (*Blair's State of Slavery among the Romans*, p. 73. 100.)

There were different punishments for slaves. For ordinary offences they were punished with the *furoa*,

a piece of wood in the form of the letter Π, which they carried round their necks (hence *furcifer*) ; by scourging or beating with a leathern thong (*habena*) ; by imprisonment in a workhouse (*ergastulum* v. *pistrinum*), where they were obliged to turn a mill for grinding corn ; or by being chained to a block of wood (*codex*), which could sometimes be dragged after them, but was sometimes immoveable. A run-away slave was branded on the forehead ; hence he was called *stigmatias* v. *-icus*, or, jestingly, *literatus* (i.e. *literis inscriptus*).^s Slaves, when capitally punished, were generally crucified. Augustus was the first who endeavoured to ameliorate the condition of slaves ; and his example was followed by Claudius, Domitian, Hadrian, Antoninus Pius, and by Constantine the Great, who prohibited crucifixion.

^s So Martial, in reference to some person of *servile* origin who had risen to opulence, and whose forehead was marked with numerous patches (*splenia*) : — *Ignoras quis sit ? splenia tolle, leges* (Mart. ii. 29.) ; i.e. you will recognise the branded slave (*servus stigmatias*) when you remove the patches.

In the mean time it was possible for slaves to obtain their freedom (*manumissio justa*), either *per censum*, when the name of a slave, with his master's knowledge, was inserted in the censor's book ; or *per vindictam*, when a master, going with his slave before the prætor or consul, turned him round in a circle (which was called *vertigo*), gave him a blow on the cheek (*alāpa*)^h with a rod (*vindicta*)^l, and let him go (*e manu emittebat*) where he pleased ; or *per testamentum*, when a master gave his slaves their liberty by his will. These freedmen were called *Orcini* or *Charonitæ*, because they had no patron but in the infernal regions ; hence the unworthy persons who obtained admission into the senate after the death of Cæsar were by the vulgar called *Senatores Orcini*. (Suet. Aug. 35.) If the testator

expressed his desire in the form of a wish or prayer (as "*rogo meum hæredem ut Davum manumittat*"), the heir became the patron of those who were freed.

^h Hence "*multo majoris alápæ mecum veneunt.*" Liberty is sold, &c. *Phædr.* ii. 5. 22.

ⁱ Hence, perhaps, *vindicare in libertatem*, to free. *Mulier modo quam vindicta redemit*, a woman lately freed. *Ov. Amor.* iii. 615. Good slaves were likewise liberated shortly before their death—

——— *Meque patronum*
Dixit, ad infernas liber iturus aquas.
(*Mart.* i. 102.)

Slaves, when made free, used to shave their heads in the temple of Feronia, and receive a cap as a badge of liberty; hence *ad pileum servum vocare* for *ad libertatem*, to give freedom to a slave. They then assumed a *prænomen*, and prefixed the name of their patron to their own; they had now *tria nomina* like a freeman. So Persius:

"*Verterit hunc Dominus; momento turbinis exit*
MARCUS Dama." (*Sat.* v. 77. *turbo—vertigo.*)

With their manumission civic rights were bestowed upon them, which were never accorded to foreigners (*peregrini*). Patrons retained various rights over their freedmen; if a freedman died intestate without heirs, the patron succeeded to his effects; the murder of a patron by his freedman was accounted parricide. If a freedman behaved ungratefully towards his patron, the patron, according to a law of Claudius (*Suet.* 25.), might, with the approval of the prætor, reduce him again to slavery. The *manumissio minus justa*, which conferred freedom without the rights of citizenship, was effected by letter (*per epistolam*); among friends (*inter amicos*), if a master before five witnesses ordered his slave to be free; or by table (*convivio, per mensam*), if a master bid his slave eat at his table.^h

* In after-times, when many worthless and profligate persons had obtained their liberty, the right of manumitting slaves was limited in the time of Augustus by the *Lex Ælia Sentia* (A.U. 756.) prohibiting any slave, who had been publicly whipt, tortured, or branded for a crime, from obtaining the freedom of the city, though he might have been freed by his master. He was thus in the state of the *Dedititii*. (Suet. Aug. 40.) The *Lex Junia Norbana* (in the consulship of L. Junius Norbanus, A.U. 771.) ordained that those who had been freed by the less solemn methods should only obtain the rights of the Latins; hence they were termed *Latini Juniani*, or merely *Latini*. (Plin. Ep. x. 105.) The *Lex Ælia Sentia*, and the *Lex Fusia Caninia* (751), further defined the number of the slaves to be manumitted (according to a fixed proportion), and the age of the manumitter. Justinian communicated the rights of Roman citizenship to all freedmen without distinction. As the allies were in the habit of giving their children to Roman citizens, on condition of their being manumitted, both master and slave took oath that this was not done in order to change the city of the latter.

CHAPTER IX.

REVOLUTIONS OF POLITICAL POWER.

REGAL GOVERNMENT. — STRUGGLES OF THE PATRICIANS AND PLEBEIANS. — OVERTHROW OF THE REPUBLIC.

THE Roman government was ever in a progressive state of development; and, therefore, it must be distinguished according to its different periods. During the earliest period, when the ancient family-tribes alone constituted the people (*populus*), a king indeed stood at the head; but he only appears as the first of the *populus*, and could only act in conjunction with the popular council. (*Liv.* i. 9.) The government, therefore, appears to be democratic, as at Sparta, where the citizens had a determining vote along with their kings. The king was chosen by the people in the *comitia curiata*, or assemblies of the *curiæ*.^a

^a "The senate agreed among themselves on the person to be proposed by the *interrex* to the curies; and hence the *interrex* is said *rogare regem*, to put his acceptance to the vote. When the king had been accepted, the immediate sanction of the gods was sought for by his inauguration. It was necessary, however, to invest him with the *imperium* by a specific law, which he himself proposed; and the rejection of which must have compelled him to resign his dignity." (*Niebuhr*, i. p. 293.)

The king united in himself the office of general, of high-priest, and of supreme judge. He summoned the popular assemblies, and brought matters before them; he was also invested with the superintendence over morals. He sat every eighth day, according to the

Tuscan fashion, administering justice, when every one might bring his case before him, and appeal if necessary from his decision to the people (*provocatio*, Müller, i. p. 363. *sqq.*). The badges of the regal power were a golden crown (*diadema*); an ivory sceptre (*scipio*)^b; the *sella curulis*, or curule chair; a white robe fringed with purple (*toga prætexta*); and twelve lictors, each carrying a bundle of rods (*fascēs*) with an axe (*securis*) in the middle, emblematic of the power of life and death. The *Regiæ leges* were laws proposed by the kings and accepted by the people.

^b Σκιπίων, Βακτηρία ῥάβδος, Hesych., differing only in form from σκήπτων, σκήπτρον, from σκήπτεσθαι, to support oneself on something; to whose root, σκάπτω (Ion. σκήπω, σκῆπος), belongs *scapus*, a shaft.—In passing, we cannot overlook the services of the kings in laying the foundation of the future greatness of Rome. They extended the Roman dominion by considerable conquests, removed many inhabitants of the conquered cities to Rome, and increased the outward strength of the state by suitable regulations in its internal administration. The division of the people into Tribes, *Curiæ*, Classes, and Centuries—the distinction between the Patricians and Plebeians, and their mutual relation as patrons and clients—the introduction of the Senate, the *Comitia*, and the *Census*, and the regulations which they established in reference to religion, formed the foundation of the future administration of Rome.

In no case, then, was the government of the kings either monarchical or monarchico-aristocratical, but a democratical government, as it plainly appears from a comparison with the Athenian and Spartan democracy (*Polyb.* iv. 11. *sqq.*). Hence the efforts of Tarquinius Superbus to render himself independent of the senate^c were altogether unavailing; as Servius had previously procured civil rights for the plebeians, which rendered the opposition to the encroachments of regal power still more obstinate, and, at the same time, abridged the rights of the patricians. Herein, too, the struggle of the patricians and plebeians, after the abolition of

the kingly power, had its origin.^d It was aggravated, indeed, by the oppressions which the patricians exercised upon the plebeians, partly out of pride, and partly on account of the debts which the plebeians had contracted with the patricians during periods of uninterrupted war.

“ Tarquin assumed the crown without being elected either by the senate or the people. The power became hereditary ; he rendered it absolute. The revolution occasioned by the conduct of his son Sextus shows us, that though a people may endure oppression, yet they cannot endure insults.” (*Montesquieu*, p. 8.)

“ Those who favoured the aristocracy were termed *optimates*, also *principes* and *proceres*; those who took the popular side were called *populares*. “ After the expulsion of the kings, the government became aristocratical ; the patrician families were in sole possession of all the magistracies, of all the dignities, and, consequently, all civil and military honours. The patricians had even, in some measure, a sacred character ; for they alone could take the auspices. (*Liv.* vi. 40. 41.) Again, they alone could have the honour of a triumph ; for they alone could be consuls and commanders of armies.” (*Montesquieu*, p. 73, 74.)

The oppression, however, increased in rigour, until it produced a rebellion among the plebeians — the existing laws affording them no protection. Thus they, at last, obtained by violence a remission of debts (*novæ tabulæ*), and magistrates of their own, to protect their rights (*Tribunes*), whose persons should be inviolable (*sacrosancti*), and who could nullify a decree of the senate by their *veto*, if the same should appear to be against the interests of the people. Along with them were created the *Ædiles Plebei* (A. U. 260), to be as it were their assistants, and to determine certain lesser matters which the Tribunes committed to them. Through the tribune Publius Volero (283) the plebeian *comitia* of tribes, by means of the *Lex Publilia*, acquired the right of electing their own magistrates, and deliberating upon public affairs.

The laws of the twelve tables again disturbed the

balance of power between the plebeians and the patricians ; for they only favoured the latter. This occasioned new struggles, which were no less successful than the preceding, since they were conducted by the defenders of the people — the Tribunes. The object gained by these struggles was the equal power of all members of the state (*ισονομία*), who were now invested with the same civil rights, although the ancient distinction still continued between the patricians and the plebeians. All the people had now the right of deciding upon rewards and punishments, upon war, peace, and treaties ; they possessed legislative power ; the free choice of magistrates ; they were eligible to all offices of state, and these were held no longer than a year. (*Cic. pro Plancio*, 4. ; *Liv.* ix. 9.) Thus, all the relations of the state depended upon the will of the people, after the plebeians had won for themselves an equality of political rights ; the power of the patricians was broken — they could no longer decide arbitrarily upon the most important matters, neither could they scourge or put the citizens to death as heretofore. (*Liv.* x. 9. *Cic. pro Rabirio*, 4.) A new period had now arisen out of these civil commotions ; not suddenly, indeed, but springing from the natural development of that germ concealed in the dissimilarity of elements which had entered into the original composition of the state. The government of Rome was now brought to its just equilibrium ; and the republic was managed for several ages with quiet and moderation :—*Ante Carthaginem deletam populus et senatus placidè modestè que intra se rempublicam tractabant.* Sall. Jug. 41.^c

^c “ The government of Rome was admirable, inasmuch as, ever since its origin, its constitution was such, either through the spirit of the people, the force of the senate, or the authority of certain magistrates, that every abuse of power could always be corrected.

Carthage perished, because, when it was necessary to correct abuses, she could not bear even the hand of her own Hannibal. Athens fell, because her errors appeared to her so agreeable that she did not wish them to be corrected." (*Montesquieu*, p. 51, 82.)

The struggle, however, of these conflicting elements broke out afresh and more fatally than before. The fickle and excitable *plebs*, having now attained to the possession of the power of the earlier *populus*, became haughty; but their haughtiness, and the overvaluing of their real strength, coupled with the abuse of it, brought them to the verge of destruction. Whoever now aspired to any office of distinction was obliged to gain the favour of the people by every popular art (*ambitio, petitio, servire populo*, Cic. de Pet. Cons. 11.); by going round to their houses (*ambiendo*), by saluting (*appellando*), and shaking hands with those they met (*prensando*); on which account they commonly had a *nomenclator* with them, who whispered in their ears every body's name.^f From all this arose the most shameless corruption, which was justly considered as a crime (*crimen ambitus*).^g

^f *Mercemur servum, qui dictet nomina, lævum*
Qui fodicet latus.

— Let us buy a slave who may serve as *nomenclator* (*qui dictet nomina*), give us significant hints (*lævum fodicet latus*). Hor. i. Ep. vi. 50.

^g As distributions of corn, oil, money, flesh, (*largitiones frumentariæ, congiaria, viscerationes*), were frequently made amongst this class of citizens by magistrates and others desirous of gaining popular favour; hence they were called, *Turba forensis, operæ conductæ, fœs et sordes urbis, urbana et perditæ plebs*. Cicero calls the votes at the *Comitia*, particularly those for the election of *ædiles*, *suffragia eblandita* (procured by flattery); and not *enucleata*, given from conviction, and a due regard to the merit of the candidates and the general weal — representing, in fact, not the calm judgment of the people, but their party-spirit (*studium populi, non judicium*). Planc. 4. 10.

These abuses, the most unequivocal signs of political degeneracy, furnished the senate with opportu-

nities of regaining its pristine dignity and power, which it did not fail to turn to advantage. They employed for this purpose the *Equites*, who had already about this time been chosen out of the most distinguished of the plebeians. These were brought over to the patrician interests, elevated as a middle order between the plebeians and patricians, and invested with rights and privileges which diminished the power of the people. By this strengthening of itself, the senate was enabled to regain its earlier power; it again decided upon the most important matters (especially upon war and peace), without consulting the people, according to the laws of the constitution. This abridgement of the rights of the people must necessarily lead to other consequences. The science of acquiring popular favour threw all the offices of state into the hands of the rich and powerful; this was gradually productive of oppression; and oppression gave birth to civil commotions, whenever any ambitious leaders arose who sought to recover the rights of the people.

Amongst these popular leaders we may mention particularly the two Gracchi, as tribunes, who fell a sacrifice in their endeavours to assert the rights of the people. Caius Gracchus especially was a dangerous enemy of the senate, as he deprived them of the right of electing judges or jurymen (*judices*) from their own body, and conferred it upon the *equites*; thus attaching the latter to the cause of the people (631). Besides this, he carried a law prohibiting the magistrates sent into the conquered provinces from holding office longer than a year. Of equal importance was the law of the tribune Cn. Domitius, which transferred to the people the right of electing the priests. This privilege had hitherto, on account of religious scruples, belonged to the pontifical colleges except in

reference to the *Curio Maximus* and the *Pontifex Maximus*, who were in the first ages of the republic always chosen by the people. The point, however, was not undisputed; the law was twice abrogated and twice renewed; but the "charm" connected with this time-hallowed institution was for ever broken. These internal distractions prevented the development and consolidation of the popular power; and they brought upon the political stage such men as the violent Marius, who contemned all law, and his no less violent antagonist Sylla.^b Both contributed to destroy the energies of the state, though the one appeared in the character of an aristocrat, and the other of a friend of the people; for both exhibited their contempt of laws and customs by violent alterations of the existing constitution.

^b Sylla was the first who commenced the odious system of proscription. (*Leges Corneliae*, 672.) So Juvenal speaks of the *tabula Syllæ* as synonymous with proscription. "If Clodius should accuse adulterers, Catiline Cethegus, in *tabulam Syllæ si dicant discipuli tres* (Sat. ii. 28.)—if the three disciples should speak against the proscription list of Sylla,"—alluding to the two triumvirates that followed Sylla's example. "Authors speak of the divisions that ruined Rome; but they do not perceive that these divisions were necessary, that they always existed, and ought always to exist. It was only the greatness of the republic that did the mischief, and which changed popular tumults into civil wars." (*Montesquieu*, p. 88.) The *Lex Julia de liberis proscriptorum* enacted, that the children of those who had been proscribed by Sylla should be admitted to enjoy preferments. (*Suet. Jul.* 41.)

Though the state maintained its existence amidst these perilous commotions; yet it was not human power that held it together, but the eternal law of an overruling Providence. Sylla, in particular, diminished the power of the people by limiting the authority of the tribunes, and by elevating the senate, to whom he restored the power of judging, which had been

transferred by Gracchus to the *equites*. This laid the foundation of fresh struggles between the people and the aristocracy. The first attempt to abolish these regulations was made during the lifetime of Sylla, and repeated after his death by M. Æmilius Lepidus; then by the tribune Sicinus; but by both in vain. The consul L. Aurelius Cotta, in conjunction with the tribune Quinctius Opimius, was more successful; and their example was followed by Cn. Pompey, who was supported by the tribune M. Lollius Palicanus and Julius Cæsar. But they acted only from interested motives, and not for the general weal.

This interested ambition, and the right now assumed by the senate of permitting the obligationⁱ of laws to be dispensed with (*jus legibus solvendi*)^k, when coupled along with the dissimilarity of elements entering into the composition of the state, are amply sufficient to account for the struggles by which it was distracted. Nevertheless, the people still possessed the right of deciding upon public affairs, and of accepting or rejecting the decrees or resolutions of the senate. (*Cic. pro Flacc. 2.*) On account of this influence of the people, all the powerful men, during the republic, were obliged to endeavour, in the first instance, to secure their favour. This importance of the people was apparent even under the dominion of the emperors; for though they united in their own person the real power of all the offices of state, yet they were obliged to keep up the form, and confer them as dignities upon others; from which proceeded the later ministers of the state.

ⁱ By the *Lex Cornelia* (686), the senate could not absolve any person without a quorum of at least 200.

^k "The laws of Rome had wisely distributed the public power amongst a great number of magistracies, which checked, tempered, and supported each other. But the system of the republic, dur-

ing its decline, totally changed ; the most powerful were invested with extraordinary commissions — a proceeding which annihilated the authority of the people and the magistrates, and threw all the great affairs of the people into the hands of a single individual or a few :—*Plebis opes immunita, paucorum potentia crevit.* (Sall. Cat. xxxix.) Was it necessary to make war on Sertorius—the commission was given to Pompey. Must war be carried on against Mithridates—all the world cried out for Pompey. (*Lex Manilia*, 687.) Was there a necessity of bringing corn to Rome—the people believed itself ruined if the matter was not entrusted to Pompey. Were the pirates to be destroyed—who but Pompey ! (*Lex Gabinia*, 685.) And when Cæsar menaced an invasion, the senate cried out in turn, and no longer trusted in any one but Pompey." (*Montesquieu*, p. 96.)

CHAPTER X.

THE COMITIA, OR POPULAR ASSEMBLIES OF THE
ROMANS.VARIOUS KINDS OF POPULAR ASSEMBLIES. — DAYS OF HOLDING THE
COMITIA.

THE assemblies convoked for the purpose of deliberating upon public affairs were the medium through which the people exerted its civil rights or power (*majestas, potestas*). As we meet with an ancient and a modern period in reference to the signification of *people* (the earlier *populus* being distinguished from the *plebs*, and the *plebs* afterwards becoming the *populus*); so there are also different kinds of popular assemblies according to their nature and object, as the different names (*concio, concilium, comitia*) sufficiently indicate. ^a

^a *Concio* means an assembly of the people summoned and held by a magistrate on account of the census, or levying troops, for sacrifices and games, or the hearing of a funeral oration, or the bringing forward of propositions, particularly with a view to preparing the people for the subjects to be deliberated and decided upon in the *comitia*; and hence it not unfrequently signifies an assembly of any sort. *Concilium* denotes an assembly to which a tribune generally summoned a certain portion only of the people to deliberate and decide upon a subject. (*Liv.* xxxix. 15. *Gell.* xv. 27.) “A *concilium populi*, in early ages, is synonymous with an assembly of the patricians or of the curies. It was to such an assembly that Publicola did homage by lowering his *fasces*. (*Liv.* ii. 7.; iii. 71.) It was by the curies that M. Manlius, the saviour of the Capitol, the patron of the Roman commonalty, was condemned to death after the centuries had acquitted him. (vi. 20.) Their place of meeting was the *Comitium*, that of the plebeians the *Forum*.” (*Nieb. l.* p. 367.)

Comitia signifies the regularly recurring assembly of certain classes and orders for the election of magistrates, or for deciding upon any subject that came within the sphere of their jurisdiction.^b This last was the most important in respect to state-matters. The place for the popular assemblies was also called *comitium*. (Liv. i. 36.) According to the different classes of the community that were assembled, the *Comitia* were divided into *comitia curiata*, *centuriata*, *tributa*; in reference to the elections taking place in them, we have the *comitia consularia*, *prætoria*, *ædilicia*, *ensoria* or *comitia censorum*, *pontificum*. (Schulze, Volksversamml. d. Röm. p. 140. *et seq.*)

^b *Concilium*, says Ramshorn, may also be used with respect to the *comitia tributa*, but not with respect to the *comitia curiata* and *centuriata*. (307.)

It was free to every Roman citizen, from seventeen years of age to sixty, to take a part in the *comitia*; slaves, women, and every person not a citizen, were excluded. The *comitia* could not be held except under the presidency of a magistrate, who summoned the people (*vocabat, advocabat*). These magistrates were particularly the *Dictator*, *Consul*, *Prætor*, *Magister equitum*, *Interrex*, *Pontifex*, *Censor*, *Quæstor*, and in very ancient times, the *Tribunus celerum*. The earliest mode of summoning the people to the *comitia curiata* was by a lictor (*lictor curiatus*), or herald (*præco*). To the *comitia centuriata* they were summoned by a trumpeter or horn-blower (*cornicen*); in after times, however, they were called together by an augur at the command of the consul (*Varro de Ling. Lat.* v. p. 77.) No person was compelled to go to the assemblies; only nothing could be decided if there was not a sufficient number. It was also unlawful to hold more than one assembly at the same time. Though the

days on which the *comitia* were held (*comitia habita sunt*—*dies comitiales*) were not determined, on the other hand, it was determined on what days they ought not to be held.^c

^c Amongst the prohibited days were all those consecrated to the Gods (*dies Dīs dicati* : *dies fasti*) : — “*Fastis insunt sacrificia, epulæ, ludi, feriæ. . . . Sacra celebritas est, vel cum sacrificia Dīs offeruntur, vel cum dies divinis epulationibus celebratur, vel cum ludi in honorem deorum aguntur, vel cum feriæ observantur. The dies fasti include those days when sacrifices are performed, when feasts and games are given in honour of the gods, or when there is a cessation from business (feriæ).*” (Macrob. Sat. i. 16.)

“ In the earliest times, the days on which the *plebs*, and those on which the *populus* assembled were distinct, like their places of meeting, their games, and every thing else. Those of the *plebs* were the *nundinæ* (every ninth day), on which the country people came to market; on the other hand, it was unlawful to bring any measure before the *populus*, or to hold its *comitia*, on those days. Thus the *nundines* were *feriæ* and *nefasti* for the burgesses, days of business for the commonalty; and these alone were so, not those on which the *populus* met. This distinction was done away by the Hortensian law (468), [yet a superstitious reverence on this subject still continued, *Cic. ad Att.* i. 14.] — the very same which gave the force of laws to the decrees of the people. By that law the *nundines* became *dies fasti*^d; and now was introduced the custom of convoking the centuries for the third *nundine* (*trinundinum*), to pass laws or elect officers.” (*Niebuhr*, ii. p. 213.) We must also reckon among the holidays those days on which the sacred grave (*mundus*) was opened, — which, according to tradition, Romulus had caused to be dug in the *comitium*, and filled with the products of the earth as an offering to the *manes*. (*Plut. Rom.* 10.) These days were the 29th of August,

5th of October, and the 8th of November, when fresh offerings were made. The calends and ides of every month—the one being sacred to Juno, and the other to Jupiter—were also *dies nefasti*, days on which no comitia were held.

^d *Est quoque [dies] quo populum jus est includere septis ;
Est quoque, qui nono semper ab orbe redit.*

(Ov. Fast. i. 53, 54.)

Includere septis, as explained p. 102., to shut the people up in the *septa*, or enclosures, to vote. The day which periodically recurs (*ab orbe redit*) every ninth is a poetical periphrasis for the *nundines*.

Further, no *comitia* could be held on the days following (*dies postridiani*) the kalends, nones, and ides, which were termed *atri*, black or unlucky, as on these days the Romans met with their most memorable defeats at the Cremera, the Allia, and elsewhere (see p. 50.); for a public calamity on any particular day of any one month rendered *ater* that day in every other month. (*Keightley on Ovid, Fasti*, i. 55—60.) No *comitia* were held too on those days on which the senate were assembled, or on which public thanksgivings (*supplicationes*) were offered up, or any solemn festivities celebrated. The regulation of the festivals formed a principal portion of the *jus pontificium*, or pontifical right. Besides, the senate also exercised the right of putting off the *comitia*, by proclaiming a general cessation from all public business (*justitium, feriæ*).^e

^e Assemblies for the election of magistrates were usually held at the same time; yet they could be put off by the senate. The consuls announced them by an edict (*edictum*); the interval of three *nundines* (*per trinum nundinum*) was frequently dispensed with until the *Lex Cæcilia Didia* (brought forward by the consuls Q. Cæcilius Metellus and T. Didius, 658) rendered it obligatory that the laws should be promulgated three market-days before holding the comitia. This law was enforced by the *Lex Junia et Licinia* (691); yet in later times it was frequently violated. By the *Lex Cæcilia Didia*, also, several distinct things could not be included in the same law (*per saturam*, as it was termed.)

CHAPTER XI.

THE COMITIA, OR POPULAR ASSEMBLIES OF THE
ROMANS.PLACES FOR ASSEMBLING THE COMITIA.—POWERS OF THE PRESIDENT.
—THE MODE OF CONDUCTING THE COMITIA.

THE popular assemblies could only be held in Rome, and in a place consecrated by the augurs. The most usual place of holding them was the *forum*, namely, that portion of it which was termed the *comitium*.^a At first it was without any protection against unfavourable weather; from the time of the second Punic war it was covered, then beautified with porticoes and adorned with paintings. It was sacred, because the fig-tree stood there under which the she-wolf suckled Romulus and Remus. The *Comitia centuriata* were held in the field of Mars (*Campus Martius*, Ἀρείων πεδῖον), which was situated in the *pomærium* of the city. Here were enclosures for the voters (*septa*, *ovilia*, so *Miseræ maculavit ovilia Romæ*, Lucan. Pharsal. ii. 197.); a tent for the president (*tabernaculum*, *tribunal*); and a house of assembly (*villa publica*).

^a “By the side of the *comitium* were two places, called by the perplexing names of *stationes municipiorum* and *græcostasis*. These names, I conceive, designate two places, one allotted to the municipals, the other to the Greeks from allied cities, that they might hear the debates; places resembling privileged seats in the hall of a parliamentary assembly.” (*Niebuhr*, ii. p. 57.)

In the enclosures, which were originally formed by palisades with sections for the single *curiæ* or tribes,

the people were shut up for deliberation ; but in later times there was a stage with narrow passages (*pontes* v. *ponticuli*), by which the centuries went up one after another to vote. By the *Lex Maria* (634) the entrances to the *ovilia* (*pontes*) were made narrower. Since all old men were excluded from voting, they were termed, in allusion to these bridges, *depontani*. (Festus, s. v. *depontani* v. *sexagenarius*). Cæsar commenced the building of marble enclosures ; hence they were termed in honour of him *septa Julia*, though they were completed by Agrippa. ^b

^b The *Comitia* might also be held in the Pætelinian grove, in the Flaminian meadows, at the *Capitolium*, and in other places. It was contrary to law, when the consul Q. Cincinnatus wished to hold them without Rome, near the lake Regillus (294) ; yet this was really done by the consul Cn. Manlius, near Sutrium ; and also when the army in Spain, after the death of the Scipios, chose the knight C. Marcius for general. (*Liv.* vii. 16.; xxvi. 2.)

As we have already remarked, the magistrate who had summoned the people together presided in the assembly ; brought the business before it (*rogabat populum* ^c) ; gave the permission to speak (*dabat concionem*) ; with which was connected the right of limiting, or even removing, disagreeable speakers. He also called upon the people to vote (*centurias ad suffragium vocabat, in suffragium mittebat*). The prerogatives of presidents in the election of magistrates, in courts of justice, and in legislation, were of considerable extent and importance. In elections the president could give one candidate the preference over the rest, refuse to admit any one he pleased (*nomen alicujus non accipere, rationem alicujus non habere, non accipere aliquem*), and even reject the successful candidate (*suffragia non observare*). ^d

^c *Rogatio* may, in some measure, be said to answer to the Greek word προβούλευμα, Anglicè *motion*, Gallicè *projet de loi*.

^d On account of this influence, the president was said to have

elected the magistrate. Yet his authority was outweighed by the unanimous choice of the people, strengthened by a decree of the senate; if the president elected himself it was considered as an usurpation of rights. (*Liv. iii. 35.*)

In courts of justice the president explained the culpability of the accused (*rei*), and proposed the punishment or penalty (*irrogavit multam, multam dixit, multam fecit*); which, however, might be remitted or mitigated by the people if they thought proper (*pænæ seu multæ certatio*, *Liv. xxv. 3.*). In assemblies, where laws were deliberated upon, he could make motions of himself (*pro mero arbitrio*, *Liv. iii. 9.*), or by authority of the senate (*ex auctoritate senatus*); he promulgated the law, that is, he placarded it in public (*legem scripsit, proposuit*) for three market days, that the people might have an opportunity of reading it before the assembly was held. In the mean time, he himself and some eloquent friend (*Auctor legis v. Suasor*) read it over every market-day, and recommended it to the people (*suadebat, legem suadere*); or, if it was not according to his own opinion, and merely by the authority of the senate, he spoke against it (*dissuadebat*).^c

^c The *Leges*, or laws, bore the name of those by whom they had been proposed; as, for instance, the *Lex Æmilia*, *Lex Aurelia*; or they bore the names of the two consuls, if they had been jointly proposed by them; as the *Lex Ælia Sentia*, *Lex Papia Poppæa*. Sometimes the object of the law was added; as the *Lex Pompeia de Provinciis*; *Lex Cassia Agraria*, &c. The *Senatusconsulta*, in the reign of Tiberius, occupied the place of the *Leges*, or laws, passed by the *Comitia*.

In the popular assemblies, which could not be held except between sunrise and sunset, it was only permitted for those to speak who were called upon by the president, or had obtained leave from him. If the president wished to proceed to voting after the discuss-

sion, the tribune, should he think the matter not to have been maturely discussed, might interpose (*intercedere*, *intercessio*) with his "*veto*" or "*prohibeo*." Like the tribunes in the popular assemblies, all magistrates of higher or of equal dignity with the president had the right of interposition (*jus intercessionis*) in the senate. The *veto* of the tribunes, which they possessed even under a dictator, could at once stop all proceedings (*moram facere*, *moram afferre*, *impedimenta facere*); hence Cæsar terms it *extremum jus tribunorum* — the extreme right or authority of the tribunes.

When the assemblies were not interrupted, the voting took place sometimes orally (*viva voce*), or by writing (*per tabellas*, by ballot).^f The latter method was in use from the seventh century (u. c.), and continued in the senate under the emperors. (*Schulze*, p. 256.) In what manner the oral voting was conducted, is unknown. In voting with respect to laws or penalties, the forms *uti rogas* (I agree to your proposition), and *antiquo* (I reject it), were made use of.^g In voting by ballot, tablets (*tabellæ*) were distributed amongst the assembly, and collected again into urns (*cistæ*, *cistellæ*, *sitellæ*), by persons (*diribitores*) appointed for the purpose (*ministrari*, *diribere*, *diribitio suffragiorum*). The collecting of the tablets was superintended by *Rogatores*; the separating and numbering (*suffragiorum diremptio*), as well as the registering of them according to the individual tribes (*tribus* v. *suffragia describere*), was superintended by the *Custodes*. The *custodes*, who took care that no fraud should be committed in casting lots and voting, when they took out the ballots, counted the votes by points marked on a tablet; hence *omne punctum ferre*, to gain every vote. In this manner the centuries were called upon successively to vote until the matter was decided by a

majority. If the centuries of the first class were unanimous, the affair was terminated, because they exceeded all the others together in number.

^f Hence laws of this kind were termed *Leges tabellariæ*. The ballot was first made use of in conferring honours (*Lex Gabinia*, 614); then at all trials, except for treason (*Lex Cassia*, 616); then in passing laws (*Lex Papiria*, 622); and, lastly, in trials for treason (*Lex Cælia*, 630). The purpose of these laws was to diminish the influence of the nobility. (*Cic. de Leg.* iii. 16. *Planç.* 6.)

^g *UTI ROGAS, sc. volo v. jubeo* — *ANTIQUO, i. e. Antiqua probo, nihil novi statui volo*; hence *antiquare legem*, to reject it. Thus, *antiquare legem*, to reject a new law; *abrogare legem*, to repeal an old one; *legi v. de lege derogare*, or *exrogare*, to repeal it in part, or to make some alterations in it; *legi obrogare*, to invalidate a law by the proposition of a new one; *legem sciscere* (spoken of the assembled people), to accept or approve a law; *legem jubere*, to recommend to the senate the sanctioning of a law so accepted; *legem irrogare alicui*, to propose a law to the people against any one: *Vetant leges sacratæ, vetant xii. Tabulæ, leges privis hominibus irrogari*; *id est enim PRIVILEGIUM*. (*Or. pro Domo*, 17.)

The decision of single tribes and centuries, and also the decision of the whole senate, was announced (*renunciatus est*) either by the herald (*præco*) or the president himself. If the *comitia* were not interrupted, as they might be, by unlucky auspices (*obnuntiatio*, see p. 26.), or by the *morbus comitalis* (when any person was seized with epilepsy), — the president dismissed the people with these words; *Si vobis videtur, discedite, Quirites*; and if the matter was not terminated, a fresh assembly was held. But if in the election of consuls only one was elected, and the voting remained undetermined for the other (*non conficere legitima suffragia, non explere centurias*), the consul elect might proceed, without summoning another assembly, to elect his colleague out of the candidates. The same appears in the earliest times to have been the case with the tribunes (*Liv.* iii. 64.): it was different, however in the election of censors; if only one was elected in

the course of the day, even this election was not valid. (*Liv. ix. 34.*)^h

^h Lucan has given us a very graphic description of the bitter mockery of the ancient institutions which prevailed during the civil wars: —

——— “ *Fingit solennia campus,
Et non admissæ dirimit suffragia plebis,
Decantatque tribus, et vanâ versat in urnâ.
Nec cælum servare licet : tonat augure surdo,
Et lætæ jurantur aves, bubone sinistro.*

(*Pharsal. v. 392—396.*)

The Campus Martius presents us with the fictitious appearance (*Angit*) of the *Comitia*; the herald, as usual, bawls out in succession (*decantat*, repeats incessantly,) the names of the tribes, and their suffrages are shaken in the deceptive urn (*vanâ urnâ*). It is not permitted to take the auspices (*cælum servare*): it thunders (see p. 114.), but no augur regards it (*surdus*); the birds are sworn to have given favourable omens (*lætæ*) — *bubone sinistro*, though the owl has given the reverse.

CHAPTER XII.

THE COMITIA, OR POPULAR ASSEMBLIES OF THE
ROMANS.

THE COMITIA CURIATA, CENTURIATA, AND TRIBUTA.]

AMONGST the different forms of *comitia*, the most ancient are the *Comitia curiata*. The object of the assemblies of this *comitia* was of a double nature — either political or religious. Each of the *Curie* had its own place of assembly (*curia*), where the members (*curiales*) assembled, with their presidents and priests, on festive days, to sacrifice and feast. There were ancient places of assembly (*curie veteres*) as well as modern (*curie novæ*). The ancient ones, dedicated to Juno and Vesta, were situated on the Palatine Mount; and on the calends of March their entrances were crowned with laurels. The *Curie novæ*, which were larger, were built near the *Compitum Fabricium*. Besides, all the *Curie* had a common house of assembly (*Schulze*, p. 22. *sqq.*) The *comitia curiata* were summoned by the *lictor curiatus*; but on what days they were held is unknown.^a

^a The list of subjects that came under their deliberation was not always the same. In the earliest times, the business was conducted by the senate, and the decision was limited by its conditional approval; — “*Decreverunt, ut, cum populus regem jussisset, id ratum esset, si patres auctores fierent.*” (Liv. i. 17.) “After the curies had elected the kings, they were still under the necessity of applying to the same curies for the *imperium* (or military command), the refusal of which would have made the election powerless.” (*Cicero de Rep.* ii. 13. *Niebuhr*, i. p. 288.)

As assemblies of the patrician *populus* in reference to the *plebs*, the *comitia curiata* sank in importance by the creation of the plebeian centuries under Servius, and especially when the whole people were divided into tribes, with which the regulation of the centuries was connected. Still the patricians maintained their original right to these *comitia*, and by this they appeared to favour the expulsion of the kings. From that period they gained new strength; for in the *comitia curiata* the consular administration was determined, whilst the *comitia centuriata* had only the election of consuls. Further, the *comitia curiata* appropriated to themselves legislation, the right of confirming the election of plebeian magistrates, along with the *jus auspicii* (see p. 27.), which first gave dignity and full power to an office, when conferred upon any person.

But afterwards the *comitia curiata* declined along with the decay of patrician privileges, until nothing remained to them but the right of granting auspices; the adoption (*arrogatio*)^b of a grown-up person (*vesticeps*) who was his own master (*sui juris*), — for the adopted was obliged to engage himself to the particular religious rites of the family into which he was adopted; *detestatio sacrorum*, which was probably a solemn release from the sacred rites (*sacra domestica*) which followed an inheritance (hence *hæreditas sine sacris*); and the choice of certain priests, as the *Curio Maximus*, *Rex sacrorum*, and the *Flamines*. When the patricians no longer constituted a distinct order in the state, the assemblies of the *Curia* were devoid of meaning; and, towards the close of the Republic, thirty lictors were the only representatives of the thirty assemblies of the *comitia*. (Cic. de Lege Agr. ii. 12.) Since these *comitia* were convoked (*calata*, i. e. *convocata*) by a lictor;

hence they acquired also the name of *Comitia calata*. In the most ancient times they were presided over by the kings, the *tribunus celerum*, the *interrex*, and (after the abolition of the regal power) by the higher patrician magistrates. In voting each *Curia* had only one voice — wherefore the majority of the *Curiae* determined the whole: the *Curia* which voted first was called *Principium*.

^b *Adoptio* was effected by the prætor. In this case, the son was still under the *patria potestas*, and was formally transferred by the prætor from the hands of his real father into those of his *pater adoptivus*. (Gell. v. 19.) Distinct from this is the *adoptio per testamentum*, when property was left to an individual upon condition of assuming the name of the testator: — *Cæcilius moriens testamento adoptavit Atticum, hæredemque fecit ex dodrante*. (Nep. xxv. 5.) As *dodrants* (9 oz.) stands in relation to *uncia* (12 oz.) of 9 to 12, he therefore left him three-fourths of his property.

The *Comitia centuriata* instituted by Servius Tullius were originally assemblies only of the *plebs* in opposition to the patrician *populus*. But when all the citizens were divided according to tribes, they became the most important assemblies of the people, since all the citizens capable of voting participated in them. For the foundation of their importance, they are indebted to the regulation according to which it was determined by lot (*sortitio fiebat*) what century should give its vote first (*centuria prærogativa* ^c); but it is uncertain who was the author of this regulation. At an earlier period, the rich had a preponderance on account of the division into classes. (p. 77.). These *comitia* first became fully independent when they were released from the influence of the senate and the *curiæ* (Liv. xxxi. 7.); for the sanction of the decrees of the *comitia centuriata* (which still continued to be given beforehand by the senate) was merely a form.^d

^c As the other centuries were generally guided by the *præroga-*

tiva — hence *prærogativa omen comitiorum* (Cic. Div. 2. 40. 83.); and hence a *supplicatio*, or public thanksgiving, is called *prærogativa triumphi*. (Cic. Fam. 15. 5. 2.)

^d This is explained in the note, p. 115.

To the province of the *comitia centuriata* belonged the election of the higher magistrates, except the dictator, who was chosen by the senate; the trying of political offences, particularly high treason (*crimen perduellionis*); and legislation. They were summoned and presided over by the higher magistrates. If the consuls were absent in cases of emergency, a dictator was elected to hold the *comitia*; or in unforeseen circumstances, an *interrex* was appointed to conduct the election of the consuls. The senate determined whether and when the *comitia* should be held, as well as the subjects for their deliberation. They were summoned either by a *cornicen*, or by a public servant (*accensus*), or in later times by an augur.^e They voted by centuries; and the president called upon them to vote in these words: — *Si vobis videtur, discedite, Quirites* (Liv. ii. 56.); or, *Ite in suffragium bene juvantibus Diis*. (Liv. xxxi. 7.)

^e The *Comitia curiata* were held without the city, usually in the *Campus Martius*, since at an early period the people came to these assemblies under arms and in military order (*sub signis*), and it was illegal to command an army in the city. (Liv. xxxix. 15.) But, in later times, a *corps* of soldiers merely kept guard at the *janiculum*, where a flag (*verillum*) was hoisted, and the termination of the *Comitia* signified by its removal. On the day of the *Comitia*, the presiding magistrate, attended by an augur, set up a tent (*tabernaculum cepit*) before the city, in order to take the auspices. If the *tabernaculum*, or place chosen for observations, was not taken in due form, whatever was done at the *comitia* was of no effect. (Liv. iv. 7.) Nay, so scrupulous were the Romans in this respect, that if the augurs any time afterwards declared, upon recollection, that any informality had occurred (*vitium obvenisse*) in taking the auspices, the magistrates, though several months might have elapsed, were obliged to resign their office (*utpote vitiosi v. vitio creati*, in opposition to *salvis auspiciis creati*. On the auspices see pp. 26—29.). If any magistrate of equal

authority declared *se de cælo seruisse*, that he had heard thunder or seen lightning, he was said *obnuntiare*; and this he did with the words *alio die*, whereupon the Comitia, according to the *Lex Ælia* (A.U. 586) were adjourned (*dirimebantur*). The *Lex Fusia* (617) was of a somewhat similar import. Both were repealed by the *Lex Clodia* (695). Cicero frequently laments the loss of these two laws as fatal to the republic. "This wise constitution was the main support of the aristocratical interest, and a perpetual curb to the petulance of factious tribunes." (*Middleton*, i. p. 274.)

The *Comitia tributa* were first formally called forth through the party spirit of the *patres* and the *plebs*, in the struggle of the tribunes with Coriolanus (263). They were termed *concilia plebis*, since they rested upon the division of tribes instituted by Tullius, and belonged to the plebeians alone; and hence their decrees were termed *plebiscita*. (Gell. x. 20.) Originally they were only *conciones* (see note, p. 98.); which were first elevated to the rank of *comitia* by *Publius Volero* (283). The assembly of the tribes was the legitimate sphere for the tribunes of the people; they were never summoned by a patrician magistrate, and when they assembled the patricians and clients withdrew from the forum. (*Niebuhr*, i. p. 363.) They were general assemblies of the people, for the division into tribes extended over all the citizens; and thus the dependence of the assemblies of the tribes upon the *curiæ* also vanished. Sylla was desirous of abolishing them (leaving only the *comitia centuriata*); for he saw that they were the strongest supports of the growing power of the people. The laws passed at this *comitia* at first only bound the plebeians, but after the year 306 the whole Roman people—thus arming the tribunes, says Livy, with a very dangerous weapon:—*tribunitiis rogationibus acerrimum telum datum est*.

To the *Comitia tributa* belonged especially the choice of all plebeian and lower magistrates, as the *Tribuni plebis*, *Ædiles curules*, *Curatores agrarii*, guardians

of the agrarian laws ; *Triumviri capitales*, superintendants of prisons and executions ; *Triumviri nocturni*, inspectors of the night police ; *Triumviri monetales*, who had the charge of the mint. They had also the right of trying those who had violated the rights of the plebeians. In later times, other actions were also brought before them ; yet their jurisdiction did not extend to capital trials. They also obtained, at a later period, the right of filling up vacancies in the priesthood, but only as far as the right had been exercised at an earlier period by the colleges themselves ; namely, the right of electing the *Pontifex M.*, the Augurs, *Feciales*, *Septemviri Epulones*, *Quindecimviri sacris faciundis*.[†]

[†] It is worthy of remark that, in the election of priests, only seventeen tribes, which were chosen by lot, voted. With respect to legislation, these *comitia* could only vote upon such subjects as concerned the general weal, such as the *leges agrariae*, *frumentariae*, *tabellariae* ; they could decide upon war and peace, punish bribery (*crimen ambitus*), and confer rewards. All legislative propositions, however, originated with the senate, or the tribunes, if the senate had given them permission ; and the *comitia* were summoned and presided over by the tribunes. The *Ædiles* also might hold the *Comitia* ; but only with respect to matters of complaint, or civil regulations against prevailing offences.

The announcement of a meeting was made either orally (*indicere* v. *edicere concilium*), or by a placard subscribed with the name of that tribune who had to make a proposition (*rogationis princeps*). The days of assembly were merely fixed for the election of tribunes. This took place at the end of July, although the tribunes first entered upon their office in December. Finally, it was not permitted to the presiding tribune to read a motion himself ; since in that case any protestation against it would have been impossible on account of the sacredness of the tribunes. (*Schulze*, p. 364.)

After the subject of discussion was announced, the president called upon individuals to speak for or against it; and it was unlawful for any person to speak unless thus called upon. The voting took place by tribes, and in every tribe according to the single votes; the majority decided. The method of holding the *Comitia tributa* differed very little from that of holding the other *comitia*, except that the approbation of the senate, and the observation of auspices, were not necessary. When, however, it thundered or lightened, no business could be transacted; for it was a standing maxim from the foundation of the republic, that, in this case, all further proceedings were unlawful: *Jove fulgente cum populo agi nefas esse*. (Cic. in Vat. 8.)^s

^s The *Comitia* fell into disuse upon the establishment of the empire. "Augustus deprived the people of the power of making laws, and judging public crimes; though he left, or at least appeared to leave it, that of electing magistrates. Tiberius, who dreaded the assemblies of a people so numerous, took away from it even that privilege, and conferred it upon the senate; that is to say, upon himself. It is almost incredible how this decline of the power of the people degraded the minds of the great. When the people disposed of dignities, the magistrates might bribe them; yet still there was a certain degree of public spirit—a certain style of magnificence in the suing for public offices; but when the emperor, in the name of the senate, disposed of all public employments, flattery, infamy, and crimes were indispensable in order to acquire them." (*Montesquieu*, p. 129, 130.) The "fierce democracy" that had formerly conferred all public magistracies (*imperium, fasces, legiones*), relapsed into a state of political lethargy—confining its anxiety to the distribution of public corn, and the recurrence of the games of the Circus (*panem et Circenses*, Juv. x. 77.).

CHAPTER XIII.

THE SENATE.

INSTITUTION AND NUMBER OF THE SENATE.—ELIGIBILITY TO THE SENATE.—PRIVILEGES OF SENATORS.—DAYS OF HOLDING THE SENATE.—MODE OF SUMMONING IT.

THE Senate (*senatus*) does not appear as a magistracy, but as a peculiar popular power in the Roman state. In treating of it with respect to its institution, and its authority in relation to the various orders of the state, we must distinguish its different political periods. Its essential nature, however, was never materially modified; for it always presents itself to us as the organ of the popular will (*senatus est dominus consilii publici*, Cic. de Leg. iii. 12.), and was therefore said to possess *auctoritas*. The Romans themselves designate the relation of the Senate to the people by the phrase, *Patres censent, populus jubet*. (Liv. i. 22.; xxxi. 7.) It was independent of the kings^a, and exercised even a considerable influence under the emperors.

^a At an early period, the decrees of the people were ratified by the senate, afterwards accepted: — “*Decreverunt patres, ut, quum populus regem jussisset, id sic ratum esset, si patres auctores fierent; hodieque in legibus magistratibusque rogandis usurpatur idem jus, vi ademptâ. Priusquam populus suffragium ineat, in incertum comitiorum eventum patres auctores fiunt.*” (Liv. i. 17.) This previous sanction of the senate, given to anything which the people might choose to enact (*in incertum eventum*), was, therefore, a mere formality (*vi ademptâ*); and the senate, in those matters which came before the people, was no longer a *second estate* of the realm. This alteration was brought about by the *Lex Publilia* (414), and the *Lex Mœnia* (467).

The Senate was instituted by Romulus, who selected out of the families of the *populus* 100 men (past the age of military service (*seniores*), and distinguished by their experience and wisdom,) to be the perpetual council of the republic. After the reduction of the Sabines, another 100 was chosen from their noblest families; and after the destruction of Alba, the number was again filled up by Tullus (though not increased) from the Alban families. Tarquin the elder raised it to 300; and these supplementary members are the *minorum gentium senatores*, in contradistinction to those created by Romulus, *patres majorum gentium*.^b This number of 300 continued with small variation to the time of Sylla, who increased it; but how many he added is uncertain. It appears there were at least above 400. *Cic. ad Attic.* i. 14. In the time of Julius Cæsar it was increased to 900, and after his death to 1000 members. As many unworthy members had been introduced during the civil wars, Augustus reduced the number to 600; under the succeeding emperors it was indefinite.

^b The number of the senate was lessened by the tyrannical cruelty of Tarquinius Superbus, but was filled up (*explebatur*) after the abolition of the regal power. Brutus, as consul, did this by choosing the most distinguished out of the order of the knights; the *patres conscripti*, i.e. persons written or enrolled; together with the old senators (*ita appellabant in novum senatum lectos*. Liv. ii. 1.): but this title was afterwards applied to all the senators collectively. The title does not appear to have been adopted for the sake of brevity (compare *Frisci Latini*, &c. p. 2.), but in order to point out more forcibly the honourable distinction of those elected as members of the senate. (*Liv.* v. 12.)

In the earliest periods of the republic, eligibility to the Senate was the peculiar privilege of the patricians; but, in later times, the vacancies were supplied from the order of the knights (hence called *senatorum seminarium*). The requisites for a senator were not the

same at all periods. In the infancy of the republic, men above sixty years of age could only be admitted into the Senate ^c; and it was necessary that they should have previously filled other offices of state. No one could be chosen a senator whose father had been a slave (*libertino patre natus*); though this was not always observed. During the regal period, the choice of the senators depended upon the king (*Liv.* iv. 4.: see, however, *Middleton on the Roman Senate*, p. 18.); and in the first period of the republic they were created by the consuls and dictators (Festus—*præteriti senatores*). Afterwards the censors enjoyed this privilege (A. U. 310) ^d; and under the emperors, specific officers (*Triumviri senatui legendo*) were created for that purpose. ^e

^c *Nec nisi post annos patuit tunc curia seros.*

(Ov. Fast. v. 63.)

^d By the *Lex Ovinia*, the censors were authorised to choose into the senate the most worthy *ex omni ordine*, out of the whole order (from the curies, without regard to any particular gens. Nieb. i. p. 462.).

^e From this formal admission into the *ordo Senatorius*, we must distinguish the admission into meetings of the senate, open to every one invested with an office of state. Hence we may understand why it should be said, that the senators were chosen *jussu populi*. These dignities, or offices, were conferred by the people; and as admission into the senate was connected with them, the *jus senatorium* depended also upon the people. With this *jus senatorium* was also connected *jus dicendi in senatu*, the right of speaking in the senate. (*Liv.* xxxiii. 3.)

For formal reception into the Senate, a certain amount of property (*census*) was necessary, according to the regulation of Servius; but it varied at different periods. In the flourishing state of the republic, before the time of Augustus, it behoved every senator to have at least 800 *sestertia*, or 800,000 *sestertii* (not annually, but for his whole property). Augustus raised it to 1200 *sestertia*, and supplied the deficiency to those who had not that sum. (*Suet. Aug.* 41.) This

regulation was indispensable; for state-offices were then merely offices of honour—no salaries being attached to them. Therefore every man invested with this office must be in a condition to live from his own resources; and the more so, because all lucrative employments were prohibited, and Senators could only cultivate their own lands. (*Cic. Cat. Maj.* 16. 5.)

After the censors had received the right of electing Senators, they exercised it every *lustrum* (or 5 years); and, at the same time, they expelled from the Senate any one (*aliquem movere senatu*) whose character was in any respect tainted. Those only were deprived of their dignity for ever who had been punished with infamy (*atrimia*); and it was a slighter kind of punishment when a Senator was passed over (*præteritus*: see *Festus, sub voce*,) in reading the list of names. Such a one lost indeed the rank of senator, but then he might obtain it again as soon as he was entitled to it by the acquisition of official honours.^f

^f Whoever was first mentioned by the censor, in reading over the list, was termed *Princeps Senatus*. It is worthy of remark, that the Senators were allowed to take their sons with them into the meetings of the Senate. It was afterwards forbidden; but Augustus restored the custom, conceiving that its influence was beneficial in accustoming the young men to turn their attention to state-matters.

The badges of a Senator were a broad purple stripe on the tunic (*latus clavus, tunica laticlavia*); black shoes or buskins of tanned leather (*calcei nigri ex alutâ*)^g, with the letter C (termed *lunula*) in silver or ivory on the top of the foot (*lunata planta*, Mart. ii. 29.); hence *calceos mutare*, to become a senator. In after times they had also a particular place at the theatres in the *orchestra* (which, in Greek theatres, was occupied solely by the *chorus*, but in the Roman constituted the *pit*); hence some writers designate the

Senate by the term *Orchestra* (*Orchestra et populum*, Juv. Sat. iii. 178.). They had also a particular seat at the games of the Circus and at the Amphitheatre, (*podium*, see p. 59.) next to the *arena*. Yet they did not obtain this privilege till a late period (not before 558), but particularly at the latter games (first through Augustus, *Suet. Aug.* 44.; more definitely still through Claudius, *Suet. Claud.* 21.).

• So Horace —

——— “*Nigris medium impediit crus
Pellibus, et latum demisit pectore clavum.*”

Hor. Sat. i. 6. 27.

Distinct from these are the *calcei mullei*, of soft leather and a purple colour, worn by the three superior magistrates, the consul, prætor, and *ædilis curulis*, also by generals triumphing; *Qui magistratum curulem cepisset, calceos mulleos alutacinatos; ceteri perones.* (*Cato ap. Fest. v. Mulleos.*) The *perones* were shoes of unwrought leather (*ex corio crudo*). The letter C is considered by some as indicative of the ancient number of the Senate—100, *Centum*.

An ordinary meeting of the Senate (*Senatus legitimus*) could not be held on the days when the *comitia* were held (*dies comitiales*—*Lex Pupia*), or on unlucky days (*dies atri, dies nefasti*). According to law, it could only meet on the calends, nones, and ides of every month, unless particular circumstances rendered an extraordinary meeting (*senatus indictus*) necessary. Augustus enacted that the Senate should be held only on the calends and ides of certain months; and in the sickly months of September and October there were *feriæ* (*res prolatae, res proferuntur*, the business was prorogued): yet a certain number, or committee, chosen by lot, were obliged to attend. He also chose a council for himself every six months (*consilia semestria*), to consider beforehand what things should be laid before a full house (*ad frequentem Senatum*), *Suet. Aug.* 35.

At an earlier period the kings only had the power of summoning the Senate; then all the higher magistrates, as the consuls, dictators, prætors, tribunes. It was usual to summon it either by an edict (*edictum*, *Senatum edicere*), or by the herald. Senators in the country were summoned by couriers; and if any senator refused or neglected to attend, he was punished by a fine (unless he had a just excuse), and his goods were distrained (*captio pignoris*); hence *cædere pignora*, to tear the paper of security, and by such tearing to declare the security forfeited. (*Tate. Adam's Antiq. p. 9. note.*) A Senator who had passed his 60th or 65th year was at liberty either to appear or not. The *Senatores peditarii* were such as were not as yet invested with any higher magistracy. (*Cic. ad Att. i. 16.*) See, however, *Plin. N. H. 7. 43.* and *Anthon, sub voce*, who interprets it in reference to those who could only give a silent vote (*pedibus in alicujus sententiam ire*).

CHAPTER XIV.

THE SENATE.

THE MODE OF CONDUCTING A MEETING OF THE SENATE — OF MAKING A DECREE. — THE POWER OF THE SENATE AT DIFFERENT PERIODS.

THERE were various places of assembly for the senate; sometimes one of the *Curia*, as the *Curia Hostilia*, *Julia*, *Pompeia*, &c.; sometimes a hall (*senaculum* v. *senacula*), or even a temple, as the temple of Bellona, Apollo^a, Honour, or Concord; it was necessary that it should be a place consecrated by augurs. When the consuls entered, the senators rose from their seats. In order to know whether there was the number of senators in attendance fixed by law (*legitimus numerus*, *senatus frequens*, which before Sylla was 100, afterwards 200, and under Augustus 400), it was customary, after the sacrifices and devotions, for the presiding magistrate to count the members in attendance (*numerare senatum*). Augustus endeavoured to prevent the frequent non-attendance of members by hanging up a tablet (*album Senatorium*, containing a list of names) in the Curia—marking and fining those who were irregular.

^a As these temples were without the city, the senate met in them either to receive foreign ambassadors, or to give audience to a general in command, since no one invested with the *imperium* could enter the city. On the 1st of January, the senate always assembled *in pleno* for the inauguration of the new consuls, who entered upon their office on this day; and the month of February was usually fixed to receive embassies and the petitions of the provinces. (*Cic. ad Div. i. 4.*)

When the sitting was opened, the presiding Magistrate either made a proposition himself (*res deferebatur*) or an exposition of the matters to be deliberated upon in succession (*referre ad senatum*). Every proposition began with the form "*quod felix faustumque sit*," and concluded with asking the opinion of the senators (*rogare sententiam*) in this form: *dic quid de hac re sentias*, or *dic quid tibi videatur*. The tribunes had the legal right of making a proposition (*jus relationis*); others were obliged to ask leave from the consuls. Usually the *princeps senatûs* was first asked his opinion (*rogabatur*), unless there were consuls elect (*consules designati*), who were always asked first; then the rest of the senators, according to their dignity, *Consulares*, *Prætorii*, *Ædilitii*, *Tribunitii*, and *Quæstorii*, those of the consular order, prætorian, &c.

When many matters were to be debated, the senate was first consulted about what pertained to religion (*de rebus divinis*), and then about public affairs, such as the raising of armies, the management of wars, the provinces, &c. Those senators who gave their opinion briefly (*sententiam dicebant verbo, censebant verbo*), remained sitting; those who gave their opinion at length gave it on their legs (*excitabantur*), and could not be interrupted. If the speaker, however, travelled out of the question, he was said *egredi relationem*; and if he manifested any disposition to waste the time of the house unnecessarily (*diem dicendo eximere, diem consumere, tollere*), or to indulge in abusive language, he was reminded of it by the noise and clamour of other senators (*ab omni senatu reclamatum est*).

When a senator did not give an entire assent to the opinion of another, but wished to add something (*addere sententiæ v. in sententiam*), he said *Servilio assentior, et hoc amplius censeo* (Cic. Phil. xiii. 21.). If several

distinct articles had been included in a motion (*per saturam*, i. e. by the gross or lump), some of which might be approved, and others not, any senator might call out *divide*—requiring that each particular should be proposed apart. When several different opinions had been offered, and the senate had been duly consulted (*ordine consuli, perrogari*), the presiding magistrate might first put to the vote what opinion he pleased (*sententiam primam pronunciare*), or suppress altogether (*negare se pronunciaturum*) what he disapproved.

When a division of the house (*discessio*) took place, the consul or presiding magistrate, after having explained his opinion, or delivered an address exhorting them to unanimity (compare the fourth *Catilinarian* of Cicero), added: "Let those who are of such an opinion pass over to that side; those who think differently, to this (*qui hoc censetis, illuc transite, qui alia omnia, in hanc partem*);" hence, *discedere* v. *transire in alia omnia*, for *contrarium sentire*, Plin. Ep. viii. 14. This mode of voting was termed *pedibus ire in sententiam alicujus*. To entitle any resolution to the name of *senatus-consultum*, it was necessary that it met with no opposition [from a tribune]; if a tribune had interposed, it was merely termed the opinion (*auctoritas*) of the senate.^b If the senate had been unanimous, the *discessio* was said to be made *sine ullâ varietate*; decrees, drawn up merely by a committee, were termed *senatus-consulta tacita*. (Capitolin. Gord. 12.)

^b "*Senatus-consultum nullum extat, quo reductio regis Alexandrini tibi adempta sit; eaque, quæ de eâ scripta est, auctoritas, cui scis intercessum esse.*" (Cic. Fam. i. 7, 8.) This distinction is not always adhered to. "When no mention is made of intercession or informality, *auctoritas senatus* is the same as *senatus-consultum*. They are also sometimes joined, *senatus consulti auctoritas*, which was the usual inscription (S. C. A.) of the decrees of the senate." (*Antikon. sub voce.*)

When the deliberations were terminated, and the senate dismissed with the words "*nemo vos tenet*," or "*non amplius vos moramur, patres conscripti*," the member who had brought forward the motion (*auctor sententiæ*), along with witnesses, prefixed to the decree a list of its supporters (*auctoritates præscriptæ*), and an account of the time and place. These decrees were engraved on brass (hence *æra legum*, Cic. Cat. iii. 8.), and were deposited in the temple of Ceres, under the care of the ædiles, afterwards in the treasury (*Ærarium Saturni*), where all public acts (*tabulæ*) were kept.^c If not deposited in these archives (*tabularium*), they were considered invalid.^d

^c There were four principal archives; *Tabularium Ædilitium*, *tabularium Censorum in æde Libertatis*, *in æde Nympharum*, *tabularium tribunorum plebis*.

^d With respect to the duration and validity of the decrees of the senate, we may observe, that they decided those matters concerning which they were made, and that, in reference to transitory subjects, they continued in force as long as was required by the circumstances to which they owed their origin. It was customary to keep a register of all transactions (*acta diurna*), wherein were contained not only an account of the proceedings and decrees of the senate, but also the speeches that were made on the different questions. Those of the emperors are especially worthy of remark, and contain a fund of information for historians. Under the emperors we find some senator chosen for this purpose (*actis v. commentariis senatûs conficiendis*). Julius Cæsar first established these *Acta Senatûs*.

The dignity and importance of the senate varied at different periods. It possessed the greatest power after the abolition of royalty; but it was limited and controlled by the institution of the tribunitian office, and by the laws of C. Gracchus (see p. 94.), who deprived it of the power of judging. Yet, it still appears to us as the *orbis consilium* (Cic. Phil. iv. 6.), particularly when it recovered, through Sylla, its earlier rights. In general, it had the care of the common weal in its own hands, as is evidenced by the decree

which it passed in great emergencies: — That the consuls should take care that the republic should receive no harm, “*ut consules darent operam, ne quid detrimenti respublica caperet* ;” by which decree an absolute power was given to the consuls. This decree is termed *ultimum* or *extremum* (Cæs. B. G. i. 5.), and *Forma SCti ultimæ necessitatis* (Liv. iii. 4.).

The senate assumed to itself the guardianship of the public religion (*sacra publica*); the administration of the provinces; the imposition of taxes; the management of the public money; the nomination of the dictator; the receiving of foreign ambassadors, and the appointment of their own; at an earlier period, the right of deciding upon war and peace; in certain respects, also, the right of legislating; of decreeing public thanksgivings (*supplicationes*), especially triumphs; the conferring of titles upon foreign princes (*amicus populi Romani, hospes populi Romani, rex*); the investigation of state-offences; the power of absolving men from the obligation of certain laws (*jus solvendi legibus*); and of adjusting and determining all disputes amongst the Italian communities, cities, and private individuals. (*Polyb. vi. 12. sqq. ; Dirksen, Civilist. Abh. i. p. 108. sqq.*)

Cæsar lessened the dignity of the senate by the admission of strangers, soldiers, and freedmen; and Antony and Lepidus still more, who raised the number to a thousand. But above all it was treated with the greatest ridicule by Antony, who conferred the dignity of senator upon the most unworthy persons — pretending that he was acting conformably to the directions of Cæsar’s will. ° These senators were called “*Senatores Orcini* ;” in allusion to slaves being freed at their master’s death (see p. 86.). Augustus purified it again, and diminished the number to 600.

c "As the senate had approved of all the acts of Cæsar without restriction, and the execution of them was committed to the consuls, Antony, who bore that office, got into his possession the papers of Cæsar, gained over his secretary, and inserted whatever he pleased : so that the dictator reigned more imperiously than during his life. What Cæsar would have never done, Antony did ; the money which he would never have given, Antony gave ; and every man, that had evil intentions against the republic, found on a sudden a recompence in the books of Cæsar." (*Montesquieu*, pp. 109, 110.)

In the period from Augustus to Constantine, the diminished rights of the senate varied according to the personal character of the emperors. The better enlarged its power, but the tyrants almost annihilated it ; till at last it retained only the shadow of its ancient dignity.^f In general it possessed the right of holding comitia (*jus comitiorum*) ; the right of conferring dignities (*jus conferendarum dignitatum*) ; the *jus dicendi et constituendi* ; the right of administering the provinces of the Roman people (*jus procurandi provincias Romani populi*) ; the management of the treasury (*jus ærarii populi Romani*) ; the right of coining money ; (*jus percutiendi nummos*) ; the superintendence of the public religion (*jus sacrorum*), and other privileges of less importance. (*Mich. Conr. Curtii Commentar. de Sen. Rom. p. 66. sqq.*)

^f This, however, was the growth of time. "When Tiberius learnt that the armies of Illyria and Germany had revolted, he accorded to them some of their demands, and left the determination of others to the senate (*cætera senatui servanda*, Tac. Ann. xxv.), at the same time sending deputies of their body. Those who had ceased to fear their power might still respect their authority. When it was represented to the soldiers how, in a Roman army, the children of the emperor and the envoys of a Roman senate had run the risk of their lives, they might repent, and go so far as to punish themselves (*gaudebat cædibus miles, quasi semet absolveret*, Tac. Ann. i. 44.) ; but when the senate was entirely reduced, its example touched nobody. In vain did Otho harangue his soldiers, and speak about the dignity of the senate (*Tac. Hist. i. 84.*) ; in vain did Vitellius send the principal senators to make his peace with Vespasian (iii. 80.). The respect which had, for so long a time,

been withdrawn from the different orders of the state, could not be restored in a moment." (*Montesquieu*, pp. 140, 141.)

Policy forbade the first emperors to abolish the senate, for by means of it they were enabled to work upon the higher orders, and procure themselves a party. "Under the empire, the stern and dignified republicans were rapidly supplanted by the minions of an imperial court ; and when the empire was divided, a senate, possessing a very slender remnant of authority, was embodied in each of the two great divisions. They were without any real influence in the administration of public affairs ; and their chief functions were manifestly confined to the ready approval of what the consul informed them was the will of the emperor."

CHAPTER XV.

ROMAN MAGISTRATES.

DIVISION OF ROMAN MAGISTRATES. — MODE OF ELECTING THEM. —
CONSULS — THEIR INSIGNIA AND OFFICE.

SINCE the senate can only be considered, in the earliest period of its existence, as a committee of the people, and in later times was treated as every other dignity of state (the original civil distinction of the patrician order having been lost in its struggles with the *Plebs*), we have therefore ranked it amongst the state-dignities. As we have remarked, its nature does not correspond with our ideas of a magistracy (*magistratus*); for *magisterare*, says Festus, means *moderari*, unde *magistri non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur*; and hence we have *magistratus* who are superior to private individuals *per imperia*.^a

^a The most distinguishing mark of a magistracy is the *imperium* (including *jus edicendi, vocandi,prehendendi*, the right of declaring the method in which justice would be administered, of summoning and arresting), which the *magistratus*, as an individual, exercised through the *magistratus*, as a dignity or office: the term itself bearing both significations. (*Festus*.) The civil power of a magistrate, therefore, is termed *magistratus* or *potestas*; his judicial power, *jurisdictio*; and his military command, *imperium*, though the term is applied to all the higher magistracies. A distinction, however, is sometimes observed between *magistratus* and *potestas* — the former being used in reference to the city, and the latter to the provinces: *jurisdictionem per provincias potestatibus demandavit*. (Suet. Claud. 24.) *Gabiorum esse potestas* (Juv. x. 29.), to be magistrate at Gabii. The term *imperium* is sometimes used for the general himself: *Imperia, potestates, legationes, quum senatus creverit populusve jusserit, ex urbe exeunto*. (Cic. Leg. iii. 3. 9.)

Since the *imperium* from its nature could not be united with a priestly office, there arises a distinction between *magistratus* and *sacerdotes*. (Mureti, Commentar. in Cic. Cat. T. ii. p. 539. ed. Ruhnke.) With reference to their duration, magistracies were divided into *magistratus ordinarii* and *extraordinarii*; the former being uninterrupted and renewed annually. With respect to their greater or less importance as to dignity, they are again divided into *magistratus majores* and *minores*. The *magistratus curules* were those magistracies with which was connected the right of using the *sella curulis* or chair of state, anciently made of ivory (*curule ebur*, Hor. Ep. i. 6. 53.), and fixed in a chariot; as the dictatorship, censorship, prætorship, curule ædileship. All the rest, who had not that right, were called *Magistratus non Curules*.

So long as the patricians merely had access to state offices (*honores*), the age at which a person might sustain any office appears to have been left to usage. But afterwards, when these offices were enjoyed in a regular gradation from lower to higher, the age was determined by the *Lex Villia annalis* or *annaria*, brought forward by L. Villius Tappulus, a tribune of the commons (573). According to this law, the quæstorship might be borne in the 27th year, the tribuneship in the 30th, the ædileship in the 37th, the prætorship in the 39th, the consulship in the 43d year. Whoever bore an office according to the legal age was said to do it in its proper year (*suo anno*)^b; but even under the republic popular citizens were freed from these restrictions; and the emperors granted that indulgence (*annos remittebant*) to whomever they pleased. (*Plin. Ep. vii. 16.*)

^b The tribune of the people (*L. Genucius*) carried through a law (A. U. 410) prohibiting any person from bearing two offices

at the same time, and from being re-elected to the same office till the expiration of ten years. Sylla renewed this law, and further enacted, that no person could be prætor before he had been quæstor, nor consul before he had been prætor; but these regulations were never closely adhered to. The *Lex Valeria* (671) ratified all that Sylla had done, or should do, during his dictatorship. (*Cic. pro Roscio*, 43.)

The observation of *Thibaut*, that "the origin of many magistracies, and their gradual formation, as well as their gradual decline under the emperors, are still involved in much obscurity," is worthy of notice. (*Civilist. Abhandl.* viii. p. 31. *sqq.*) It was ordained by the law of Romulus, that no one should enter upon any office unless the birds should give favourable omens (*nisi aves addixissent v. admisissent*); and all magistrates were obliged, within five days after entering on their office, to swear that they would observe the laws (*in leges jurare*).

The suing for an office was termed *ambitio*; and this might be prosecuted by lawful or unlawful means. Though bribery was punishable by law, and many specific laws (*leges de ambitu*) were enacted for that purpose, yet it was very frequently practised. Bribery was not punishable, provided it was carried into effect by agents (*Interpretes*), who promised to each individual (*pronuntiare*) a certain portion of the money that was deposited with the *sequestres*. Combinations of candidates, in order to disappoint (*ut dejicerent*) a rival, were termed *coitiones*. When a person aspired to any office, it was necessary in the first instance to give in his name (*profiteri nomen*) to the magistrates, particularly to the consuls; though these could refuse to admit it (*recusare nomen*) when the candidate was tainted with ignominy (*ignominia*). The *Sectatores*, who always attended candidates, were distinguished from the *Salutatores*, who merely waited on them in the morning.

* *Lex Calpurnia v. Acilia* (A.U. 686); *Lex Tullia*, by Cicero, when consul (690), inflicting banishment, in case of bribery, for ten years, and enacting generally that no one should exhibit shows of gladiators for two years before he stood candidate for an office; *Lex Licinia de Sodalitiis et de Ambitu* (698), against forming clubs for the purpose of canvassing; *Lex Pompeia*, &c.

During the holding of the *Comitia* for electing magistrates, the candidates stood together upon the *collis hortulorum*; and whoever was elected (*designatus*) by a majority was forthwith accompanied home (*deducbatur ad domum*), by his friends and dependents (*deductores*). It was impossible, by law, to be invested with two magistracies at the same time; but at a later period, this and similar laws were totally disregarded. The *Lex Claudia* (703) prohibited any one from standing candidate for an office while absent. It confirmed the *Lex Pompeia* on the same subject, but abrogated that clause in which Julius Cæsar was expressly excepted (*Cæsari beneficium populi ademit*).

Amongst the *Magistratus majores* were the *ordinarii*—the consuls, prætors, ædiles, tribunes, quæstors, &c.; but the consulship was the highest of all magistracies. Servius Tullius appears to have contemplated the institution of this office (*Liv. i. 48.*); but it was first created after the abolition of the regal power.⁴ Till the law of the twelve tables these magistrates were called *Prætores*, *Dictatores*, or *Judices*; afterwards *Consules*. "Without doubt the name means nothing more than *colleagues*; the syllable *sul* is found in *præsul* and *exsul*, where it signifies *one who is*; thus *consules* is tantamount to *consentes* [*con* and *ens* obsolete part. of *sum*], the name given to Jupiter's Council of Gods." (*Nieb. i. p. 457.*) Compare, however, *Varro, de Ling. Lat. iv. 14.*; *Pompon. de Orig. Jur. ii. 16.*; *Quint. i. 6.*

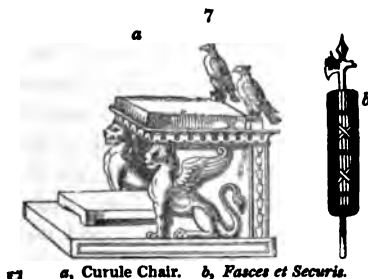
⁴ "Rome," says Montesquieu, "having banished the kings,

established annual consuls — a form of administration which carried it to the highest degree of power. Princes have in their lives periods of ambition, which are succeeded by other passions, or even by indolence ; but a republic is governed by chiefs who change every year, and who seek to signalise their magistracy, in order to obtain it again." (*Montesquieu*, p. 9.)

For the sake of securing moderation, two consuls were elected annually, invested with equal authority. The consuls originally had much the same power as the kings (*Cic. de Repub.* ii. 32.). The transactions of the senate and the *Curie* not only depended upon them, but they had also the supreme command in war, with the executive right of levying armies. They could conclude treaties, subject, however, to the approbation of the people ; they had the administration of the finances through the nomination of quæstors ; they possessed supreme judicial power, by which they could decree exile and capital punishments, and they had also the nomination of judges.

The abuse of this power occasioned it to be limited through the *leges Valeriæ*, first by the appointment of tribunes for the protection of the plebeians, then by the right of appeal (*provocatio*) to the people against the decision of the consuls (*Cic. de Rep.* ii. 35.), and particularly by the separation of the judicial power (*Valerius securim fascibus ademit*), and conferring it upon distinct magistrates, as the prætors and censors. The first plebeian consul (according to the *Lex Licinia Sextia*, 377) was L. Sextus (*Liv.* vii. 1.). "The nominee of the patricians was deemed the superior in rank, to whom the other (that of the centuries) was attached as his colleague: thus *Liv.* ii. 43.; (Patres) *M. Fabium consulem creant* (274): *Fabio collega Cn. Manlius datur.*" (*Nieb.* ii. p. 187.) The *Lex Genucia* (411) enacted that both consuls might be chosen from the plebeians. (*Liv.* vii. 42.)

The *insignia* or badges of the consuls were the same as those of the Kings (namely, the *sella curulis*, or curule chair, &c. see p. 90.), except that the *securis* (representing the power of punishing capitally) was taken from the *fascēs*; the lictors, too, were obliged to lower the *fascēs* in the popular assemblies. The year was named after the consuls: as the year at Athens from the archons; hence, *numerare multos consules*, for *annos*, Sen. Ep. 4. They had also the *majora auspicia*. Though their power was reduced to a mere shadow (*consules honorarii*, titular consuls, *Cassiod.* i. 10.) under the Emperors, they were distinguished by greater external pomp.* They wore the *toga picta* or *palmata*, they had their *fascēs* wreathed with laurel (*laureata fascēs*), which in former times was only granted to those that had triumphed. The *securis* was also added to the *fascēs*.



a, Curule Chair. b, Fasces et Securis.

* Julius Cæsar introduced the custom of creating consuls for a few months (*Menstruus in fastos distinguit sæcula consul*; Lucan, v. 399.), weeks, days, or even hours, in order to advance a greater number to offices of honour. Under Commodus there were 25 consuls; the usual number was 12. The office was abolished under Justinian.

These privileges were possessed by the *consules ordinarii*, but we must distinguish from them the *consules subrogati* or *suffecti*. The latter were merely deputies, at first elected by the annual consuls, and

afterwards at the same time with the consuls in the popular assemblies. They were provisional consuls, in case a consul should die, or lay down his office in the course of the year; but they did not possess consular privileges. From their election, which took place about the end of July or the beginning of August, the consuls were termed consuls elect (*consules designati*); the interval was made so long in order that they might become acquainted with the duties of their office.

On the 1st of January the senate and people waited on the consuls (*salutabant*), and conducted them with great pomp (*processus consularis*) to the Capitol, where they offered up their vows (*vota nuncupabant*), and began their office (*munus suum auspicabantur*), by holding the senate, consulting it about the appointment of the Latin holidays (*feriæ Latinæ*), and other things concerning religion. The day of entering upon their office was not always the same. At an earlier period it was the ides of December; after the second Punic war, the ides of March, and then the calends of January. On laying down their office, they took an oath that they had done nothing contrary to the laws; but the tribunes might prevent them from making a speech on the occasion, as Metellus did Cicero. After the expiration of their office, they went into their province, under the title of *proconsules*.^f

^f It is worthy of remark, that when only one consul was first mentioned, his name was accompanied with the addition, *et qui nunciatus fuerit*. After the Empire was divided into the Eastern and Western, a consul was appointed in each; the last consul of the West was *Theodorus Paulinus* (434 A.D.), the last of the East, *Flavius Basilus Junior* (541), and for the space of 26 years the years were reckoned *post consulatum Basilii*. Yet the later emperors again appropriated the title of consul to themselves. (*Ideler, Handb. d. Chronol.* ii. p. 844. seq.)

CHAPTER XVI.

ROMAN MAGISTRATES.

PRÆTORSHIP. — PRÆTOR URBANUS — PEREGRINUS. — EDICTS. —
 QUÆSTIONES PERPETUÆ. — OFFICE OF ÆDILES.

THE prætorship^a, a judicial office, and in the earlier times a portion of the consulship, was separated from this magistracy when the people had obtained a share in the consulship (389). Hence it was originally a patrician dignity; the prætors were the colleagues of the consuls (*collegæ consulum*), and during their absence, which was very frequent on account of uninterrupted wars, they exercised the highest functions of the state. By reason of the two dignities being so intimately connected, the election of the prætors was the same as with the consuls; for they were created at the *Comitia Centuriata* with the same auspices. At first one prætor only was elected, and he a patrician; but afterwards (from 416) a plebeian. Towards the first Punic war (490), we meet with a *prætor urbanus*, *prætor major*, or *honoratus*, in contradistinction from the *prætor peregrinus*, who was created to administer justice to foreigners, or between Roman citizens and foreigners.

^a The name prætor (*is, qui præit jure et exercitu*) was at first applied to any superior magistrate; and thus the dictator is called *prætor maximus*. (Liv. vii. 3.)

The *prætor urbanus* was confined in his jurisdiction to the private disputes (*privatæ causæ*) of the Roman

citizens, he was the guardian of the civil law : — “*Juris disceptator qui privata judicet judicative jubeat, prætor esto ; is juris civilis custos esto ; huic potestate pari, quotcunque senatus creverit, populus jusserit, tot sunt.*” (Cic. de Leg. iii. 3.) In public matters of importance, the people either judged themselves, or appointed persons to preside at the trial (*qui quæstioni præessent, quæreret, quæstiones publicas v. judicia exercerent*) ; the prætor, in such cases, could only act if commissioned by the people (*lege populi*). The prætor merely examined the case in a cursory manner, and transferred the further examination (*cognitio*) to the jury (*judices*). The *judices* sat in lower seats (*subsellia*) along with the advocates ; whence *subsellia* is put for the act of judging or pleading — *a subselliis in otium se conferre*, to retire from the bar.

When the matter was ready for judgment, the prætor pronounced sentence (*jus dicebat, jurisdictio*) ; the days on which he administered justice were termed *dies fasti* ; the half holidays, *dies intercesi* ; and the days on which it was unlawful to sit at all, *nefasti* : —

“*Ille nefastus erit, per quem tria verba silentur,
Fastus erit per quem lege licebit agi.*”

Ov. Fast. i. 47.

These three words (which comprise the power of the prætor) were *do, dico, addico* ; *dare actionem et judices*, to issue a writ and appoint judges ; *dicere jus*, to pronounce sentence ; *addicere bona v. damna*, to adjudge the goods of the debtor to a creditor, &c.

The *prætor urbanus*, when entering upon his office, summoned the people, and caused an edict (*edictum*) to be read by a herald, and afterwards written on whitened tablets, (*in albo*, i. e. *in tabulâ dealbatâ*, applied also to whitened walls, εἰς λεύκωμα,) wherein he laid down the principles that he would pursue in

the administration of justice. As this happened every year, such an edict was termed *lex annua*. Those edicts which the prætor copied from the edicts of his predecessors were termed *Tralatitia*, those which he framed himself, *Nova*; and so any clause or part of an edict, *caput Tralatitium* v. *novum*. But it very frequently happened that, previous to any important process, he published a particular edict (*edictum peculiare et repentinum*).

As this however gave rise to abuse, a law (*Lex Cornelia*) was passed (686), that the prætors, in administering justice, should not deviate from the form which they had prescribed to themselves when they entered their office; *ut prætores ex edictis suis perpetuis jus dicerent*. Nevertheless, these edicts had so far multiplied that they afterwards formed an important portion of the *leges*, under the title of *jus prætorium* or *honorarium*, and were collected by the Emperor Adrian, under the title of *Edictum perpetuum*. The prætor *peregrinus* also published his edicts; and it appears that in certain cases he might be appealed to against the decrees of the prætor *urbanus* (Cic. Verr. i. 46.). Under the emperors, the jurisdiction of the prætors was confined to smaller matters: they retained the *cura ludorum*, but their principal functions were conferred on the *præfectus prætorio*, and other magistrates.

From these prætors we must distinguish those to whom the administration of the provinces was committed (A. U. 526), when the Roman dominion had extended beyond Italy. The first two prætors were sent to Sicily and Sardinia; and two were afterwards sent to Spain (556). Sylla increased their number to eight, then to ten; Cæsar to sixteen; but under Augustus there were sometimes ten, fourteen, or eighteen. These also appear, during the republic, to have published

an edict in their provinces, which was termed *edictum provinciale*, in opposition to the *edictum urbanum*. The office of *prætores ærarii* was instituted by Augustus, and continued to the time of Claudius. Claudius established *prætores fideicommissarii*, for the cognizance of trusts; and Marcus Aurelius a *prætor tutelaris*, to take cognizance of wards (*Capitolin. in Marc. Ant. 20.*).

The amount of business would appear to have become too great for the *prætor urbanus* and the *prætor peregrinus*; and it was determined (604) that they should continue to exercise their usual jurisdiction, and that the four other prætors should, during their magistracy, also remain in the city and preside at the public trials; one at trials concerning extortion (*de repetundis*)^b, established by the *Lex Calpurnia*, A. U. 604; another, concerning bribery (*de ambitu*); a third concerning crimes committed against the state (*de majestate*)^c and a fourth, about defrauding the public treasury (*de peculatu*). These were called *Quæstiones perpetuæ*, because the prætors, to whom they were assigned, conducted them for the whole year.

^b Amongst the *Leges de repetundis* we may mention the *Lex Junia* (627), *Cæcilia* (665), *Cornelia* (672), *Acilia* (683), *Servilia* (690), *Julia* (694), *Pompeia* (701).

^c *Perduellio* was frequently used for high treason. *Perduellis* (*duellum*, old word for *bellum*) amongst the ancient Romans, an "enemy carrying on war." *Qui proprio nomine perduellis esset, is hostis vocabatur, lenitate verbi rei tristitiam mitigante.* (Cic. de Off. i. 12.)

Sylla increased the number of *quæstiones perpetuæ* by adding the following: *de Falso*, against the forgers of testaments and other documents, &c.; *de Sicariis et Veneficis*, and *de Parricidis*, against the murder of free-born men, fathers, &c. The badges of the prætor resembled those of the consuls. In the city he was

attended by two, and without by six, lictors ; he wore the *toga prætexta*, had a particular seat (*tribunal*) in the *forum* or *comitium* (afterwards trials were held in the *basilicæ*). Sometimes, in unimportant matters, he passed sentence without form (*ex æquo loco* v. *de plano*, i. e. not on his elevated *tribunal*).

The ædiles are divided into *ædiles plebei* and *ædiles curules*. The original ædiles were the *plebei*, created at the same time (A. U. 260) with the tribunes, for the protection of the plebeians against the patricians. They were quite independent, however, of the tribunes ; and, like them, they were inviolable (*sacrosancti*). They were elected at first by the *comitia curiata*, afterwards in the *comitia tributa*.

The office of the ædiles was to take care of the public and private buildings of the city (*ædium non tantum sacrarum sed etiam privatarum*) : they superintended markets, taverns, &c. ; inspected what was offered to sale in the forum, and broke unjust weights and measures (*vasa minora frangebant*, Juv. Sat. x. 102.). They banished disorderly females, regulated the expense at funerals, limited the avarice of usurers, destroyed calumnious writings ; and, in fact, their jurisdiction extended to every thing connected with the police or regulation of the city. The plebeian ædiles had in particular the care of the decrees of the senate and the regulations of the people, deposited in the temple of Ceres, and afterwards in the Treasury. (*Liv. iii. 55.*)

When the plebeian ædiles refused to take upon themselves the care of making preparations for the *Ludi Maximi* (387), the patricians seized the opportunity of increasing their power, by inducing the people to create a new office of *Ædiles Curules* in their favour (*Lex Furia*). Thibaut remarks, that “ in

reference to object, there was little or no difference between the two sorts of ædiles; and that both must have shared the same functions, according to time or place" (*Civil. Abhand.* viii. p.136.); and the difference might have disappeared altogether when the plebeians were also eligible to the curule ædileship (*Liv.* vii. 1.; *Gell.* vi. 9.). Cicero thus describes the duties of this office:—"I am to exhibit," says he, "with the greatest solemnity, the sacred sports to Ceres, Liber, and Libera; am to appease and conciliate the mother Flora to the people and city of Rome: am to furnish out those ancient shows ^d, the first which were called Roman, with all possible dignity and religion, in honour of Jupiter, Juno, and Minerva; am to take care also of all the sacred edifices, and, indeed, of the whole city." (*Verr.* ii. 5. 14.) *Suntoque ædiles curatores urbis, annonæ, ludorumque solemnium* (de Leg. iii. 4.).

^d The ædiles examined and purchased the plays which were exhibited upon the stage (*Terent. Prolog. in Eunuch.* l. 20.), and rewarded or punished the actors as they deserved. "In this respect they are similar to the χορηγὸί at Athens (*Juvenal*, iii. 162.). *Pauper quis scribitur hæres? Quando in consilio est ædilibus?*" (Tate, Adam's Antiq. ed. Major, p.130. note.)

The curule ædiles also possessed the right of publishing edicts, which were equally binding upon all the ædiles (*Thibaut*, p. 144. *sqq.*). The ædiles of the free towns (*municipia*) and colonies were altogether of a different description. The plebeian ædiles were served merely by public slaves; the curule ædiles, besides the *sella curulis*, were also distinguished by the *toga prætexta*. This magistracy gave a precedence in the senate, or a priority of voting and speaking, and was the first that qualified a man to have a picture or statue of himself (*jus imaginis*), and consequently ennobled his family (*Cic. in Verr.* v. 14.;

Middleton's Life of Cicero, i. p. 89.). Julius Cæsar created (A. U. 700) two new ædiles called *Cereales*, who superintended the public granaries and the distribution of corn among the people. The ædiles appear to have continued, with some changes, to the time of Constantine.

CHAPTER XVII.

ROMAN MAGISTRATES.

TRIBUNES — THEIR ORIGIN — AUTHORITY AND PRIVILEGES. —
DECLINE OF THE OFFICE.

THE tribunes of the people (*tribuni plebis*), who, as magistrates, were the inviolable (*sacrosancti*) defenders of the rights of the plebeians, must be distinguished from the presidents of individual tribes. The cause of their creation lay in the oppression of the plebeians by the hereditary nobles or patricians. This produced an open rupture, and the people made a secession to a mountain, afterwards called *Mons Sacer*, because, upon breaking up their camp, they consecrated it to Jupiter (260). The patricians were obliged to give way; the *Lex sacrata v. tribunicia* was enacted; and thus a pure plebeian office^a was created. At first only two were created, then five, and lastly ten; their election took place at the *Comitia curiata*.

^a No patrician could be made tribune unless first adopted into a plebeian family, as was the case with Clodius, the enemy of Cicero [(*pro Dom.* 16. *Suet. Jul.* 20.). Even those plebeians were excluded whose fathers had borne a curule office, and were still living. (*Liv.* xxx. 19.)

In their most essential character, the tribunes were representatives of the commonalty; as such, protectors of the liberties of their order against the supreme power, not partakers in that power (*privati, sine imperio, sine magistratu*); as such, too, not empowered

to impose a mulct (*multam dicere*), but only to propose the imposition of it to the commonalty (*irrogare*); for they had not the power of punishing, but merely of assisting — “*Auxilii non pœnæ jus datum illi potestati*,” (Liv. ii. 35.; Niebuhr, i. p. 543.). They had the right of seizing, but not of summoning (*prehensionem* — *non vocationem*); and at first they had not even the name of magistrates (Liv. iv. 2.). Volero was the author of the bill which transferred the election of the tribunes from the *comitia curiata* to the *comitia tributa* (283), in which all the country, as well as the city tribes, had a right of voting — where there was no necessity for a previous *senatus-consultum*, and the augurs could not put off the holding of the *comitia*, or annul the election of any obnoxious tribunes, under the pretence that the omens were inauspicious^b, as no auspices were taken. Here they passed *plebiscita*, binding upon the whole Roman people.

^b If the assembly for the election of tribunes was broken off (*si comitia dirempta essent*) before the ten tribunes were elected, those who were created might choose colleagues for themselves (*cooptare*) to complete the number. When Duilius, however, (304) dismissed the assembly, after the election of five tribunes, alleging that he had satisfied the law, and the number would be completed by cooptation, a law was passed in the following year by one Trebonius, enacting “that he who presided should continue the *comitia*, and recall the tribes to give their votes, until ten were elected.”

Though the power of the tribunes, as far as it was grounded in right, is still involved in much obscurity, yet so much appears to be certain, that originally it was of a limited extent, but was enlarged in course of time by the activity of the tribunes in availing themselves of circumstances. Not only did the *decemviri* suspend the tribuneship (302), but the tribunes durst not even appear in the *curia* of the senate, and were obliged to remain without the door on benches. Here

they alone could prevent, by their *veto*, the passing of a decree which would be injurious to the interests of the *plebs*. But after the overthrow of the *decemviri*, when the tribuneship was again restored, its power increased in an alarming manner. Icilius had obtained (298) for the tribunes the right of assembling and dismissing the senate without being senators themselves; but this again was limited by the Atinian law, (*Atinium plebiscitum*), which enacted that the tribunes must be elected from the senators (about 623 A. U.).

The tribunes frequently assembled the people, in order to prepare them by speeches (*concionem advocabant*), for the reception of political measures. No person could interrupt a tribune whilst speaking (*Lex Icilia*, about A. U. 284; *Nieb.* ii. 231.; *Lex Sicinia*, 662), or speak without their permission:—hence *concionem dare*, to grant leave to speak; *concionem ascendere*, to mount the *rostra*. They limited the time of speaking even to the consuls themselves, and sometimes did not permit them to speak at all. They could bring any one before the assembly (*ad concionem* v. *in concione producere*), and force him to answer any questions. Under the pretence of protecting the people, they almost did every thing that they wished. They put a stop to the collecting of taxes, the enlisting of soldiers, and the election of magistrates; and on one occasion they persevered in this opposition for the space of five years. They ordered sometimes the military tribunes, or even the consuls, to be led to prison (*Liv.* iv. 26., v. 29.), as the ephori did with the kings at Lacedæmon.

When the *Leges Agrariæ* had been passed, through the exertions of the two Gracchi (agreeably to which the poor received an equal share of the public lands with the patricians^c), the tribunitian power was in its zenith; but from that period it declined, through the

factionous spirit of the tribunes themselves. The only effectual mode of resisting the power of the tribunes was to procure one of their number (*e collegio tribunorum*) to put a negative on the proceedings of the rest. "This change in the constitution of the tribunate appears to have been effected about the middle of the fourth century; for hitherto a *plurality* of votes amongst the tribunes was necessary to stop any proceedings of their own members. The government alone could have desired such a change; as it was easier to gain over one or two out of the ten than a majority to their side." (*Nieb.* ii. p. 435.)

* As the Romans acquired the greatest part of Italy by conquest, the Roman people were lords of the soil in almost every part of the peninsula. Though in many, or in most instances, the former owners were left in undisturbed possession, yet still there were very extensive lands which the Romans took into their own hands. These were more peculiarly called *Ager publicus*, and were the *joint property of all the citizens*. Hence originated the practice of assigning to each individual citizen a certain portion of these lands, and of marking out and securing its limits (*termini*) by the intervention of an augur, with the greatest solemnities of religion. Every portion of land thus allotted to a Roman citizen became his freehold in the highest sense of the term; it paid no land-tax or tithe; and it might be sold also by *mancipatio*, i. e. with an unexceptionable and perfect title. But the great mass of the national demesnes, which had not been thus divided, were held by a very different tenure. These lands, says Appian, were mostly waste; and whilst they were undivided, the state permitted individuals to cultivate certain portions of them for themselves, on the payment of the tithe of the produce to the public revenue. In process of time, the possession of this undivided land fell almost exclusively into the hands of the nobility. To check this evil was the object of the famous *Lex Licinia*, limiting the amount of undivided national land which might be occupied by any one individual. The Agrarian laws, therefore, were no violation of the rights of property, but a strictly regular and legal way of disposing of the estates of the commonwealth. (*Quarterly Review*, vol. xxxii. p. 72-77.) Amongst the *Leges Agrariae* we may mention the *Lex Licinia* (377), *Flaminia* (521), *Sempronia*, by Tib. Gracchus (620), *Servilia* (690), *Julia* (694), for distributing the lands of Campania and Stella to 20,000 poor citizens, who had each three children or more. (*Cic. pro Planc.* 5.)

The tribunician power received, in a manner, its

death-blow from the regulations of Sylla (*tribunicia lex*), which enacted that "whoever had been tribune should not afterwards enjoy any other magistracy; that there should be no appeal to the tribunes; that they should not be allowed to assemble the people and make harangues to them, nor to propose laws (*habere comitia-v. agere cum populo*), but should only retain the right of intercession (*auxilii ferendi*).^d The tribunes never afterwards recovered their former influence, although Cotta (*Lex Aurelia*, 678) restored to them the right of enjoying other offices (*jus magistratum capiendorum*), and Pompey and Cæsar strenuously promoted their interests. Cæsar afterwards, when *imperator*, treated them very capriciously, depriving them of their office (*potestate*) at pleasure; and Augustus, by means of a decree of the senate, assumed the office in his own person, so that he himself was *sacrosanctus*, and could assemble the senate at pleasure. Out of this inviolability grew the crime of high treason (*crimen majestatis*), which was employed by succeeding emperors as a pretext for cutting off obnoxious and powerful individuals. The tribunes continued to be elected annually, as a matter of form (*inanis umbra et sine honore nomen*. Plin. Ep. i. 23.), to the time of Constantine.^d

^d It was peculiar to the tribunician power at an earlier period that it was confined to the city and a mile round it; and when one of the tribunes would not permit the consuls to levy troops (270), the latter evaded the opposition (*intercessio*) by erecting their tribunal at the requisite distance from the city to summon the citizens to enlist. The tribunes were not permitted to remain all night (*pernoctare*) without the city, except during the *Feriæ Latinæ*. They were obliged to keep their doors open night and day, in order to receive all complaints; and their office was not suspended even under a dictatorship. They entered upon their office on the 10th of December (*ad quartum idūs Decembris*), also on the 5th (*nonis Decembris*). They were served only by public slaves (*viatores apparitores*, beadles,) in their public capacity; they had no tribunal, like the prætors, but sat upon benches (*subsellia*).

CHAPTER XVIII.

ROMAN MAGISTRATES.

INSTITUTION AND OFFICE OF QUÆSTORS.—TRIUMVIRI CAPITALES.—
DECEMVIRI LITIBUS JUDICANDIS, ETC.—CAUSES FOR CREATING A
DICTATOR.—POWER OF THE DICTATOR.

THE office of Quæstors (*Quæstores a quærendo*, because they got in the public money, *publicas pecunias conquirebant*) is almost as ancient as the city itself, being instituted either by Romulus, or Numa, or Tullus Hostilius. Till the year 346, patricians only were eligible to this office. The original number of quæstors was two, then four (from the year 335 or 336), two of whom attended the consuls in war (*consulibus ad ministeria belli præsto erant*), for the purpose of paying the armies and selling the plunder; hence they were termed *Quæstores peregrini*. Afterwards (500 or 488 A. U.) their number was increased to eight. The Romans had now subdued all Italy and divided it into four districts (*regiones*), and the additional four quæstors were thus rendered necessary. Under Sylla they were raised to twenty, to fill up vacancies in the senate (*supplendo senatus*); under Julius Cæsar to forty; and during the empire their number was uncertain and arbitrary. Those remaining in Rome were termed *Quæstores urbani*; and the rest *Quæstores provinciales* or *militares*.

Before the time of the decemvirs, the two city quæstors (*Quæstores urbani* v. *ærarîi*) were merely assistants of the consuls in the administration of the

public money. Afterwards they were elected as independent magistrates in the *Comitia centuriata*, and thus the administration of the public money was detached from the consular authority. In addition to their earlier privileges, they were entrusted with the care of the military standards (*signa*) deposited in the treasury (*ærarium*), the entertainment of foreign ambassadors, and the delivering to them of any public presents. Cæsar committed the management of the public money to the ædiles; Augustus gave it to those who had been prætors; Claudius restored it again to the quæstors, but from the time of Nero they lost it for ever. Augustus also committed to them the keeping of the *Senatûs-consulta*, which he deposited in the treasury. The treasury was in the temple of Saturn (*ærarium Saturni*).^a

^a We must observe that the *ærarium* was entirely distinct from the *publicum*; the former was the treasury of the whole state, the latter that of the patricians or burgesses. Hence the sale of the military booty was termed *redactio in publicum*; but we hear nothing more of it after the decemvirate. (*Niebuhr*, ii. p. 176. 430.) Cicero applies the epithet *sanctius* to the *ærarium*, i. e. *ex quo sumptus ordinarii non petebantur, sed ad summum reip. tempus reservabatur*. (Cic. ad Att. vii. 21.; Adam's Ant. Ed. Major, p. 132.) We must also distinguish the *ærarium* from the treasury of the prince (*Fiscus*), under the empire.

The quæstor had neither lictors nor *viatores*, because he had not the power of summoning (*vocationis*) or apprehending (*prehensionis*). A particular place (*Quæstorium*, compare *Prætorium*) in the camp was assigned to him, where he had his tent and kept his stores. The provinces of quæstors were annually distributed to them by lot; sometimes a certain province was given to a particular quæstor *sine sorte*. The quæstorship was the first step of preferment (*primus gradus honoris*), and the first office that gave admission to the senate; then the individual was said *adire ad*

rempublicam, capeßere rempub. In addition to these quæstors, we have the *Quæstores parricidii*, whose jurisdiction extended to cases of perjury as well as matters pertaining to blood; *Quæstores candidati*, or *Quæst. principis*, who were introduced by Augustus to deliver the messages or speeches of the emperor (*libellos, epistolus, et orationes*), to the senate; and who afterwards merged, under Constantine, into *Quæstores palatii*, or *Chancellors*. (Symmach. Ep. i. 17.)

Amongst the inferior magistrates we may mention the *Triumviri capitales*, who superintended prisons and the execution or punishment of criminals (besides exercising jurisdiction over persons of the lowest rank); the *Triumviri monetales* (*qui auro, argento, æri, flando, feriundo, præerant*, who had the charge of the mint, or coining gold, silver, and brass); the *Triumviri nocturni*, who inspected the night-watches (*vigilias circumibant*), and had the charge of preventing fires; the *Tribuni ærarii*, who, as assistants of the quæstors, took a share in the administration of the public treasury; the *Decemviri litibus judicandis*, who were judicial officers subordinate to the prætors, and set up a spear in the Forum, when officially engaged:—

“*Trepidus ad jura decem citat hasta virorum.*”

Lucan.

and the *Quatuor viri viales* v. *viocuri*, who had the charge of the public roads. The *Vigintiviri* were not a particular board of magistrates, but consisted of the *triumviri capitales* and other inferior officers, who were annually sent by the senate as præfects to the towns, termed *præfecturæ*, to administer justice. Afterwards, knights were only appointed to this office (741); but they could not, like the earlier *vigintiviri*, be admitted into the senate until they were invested with a higher office.

Amongst the extraordinary magistrates we may class the *Dictator*, who, at an earlier period, was termed *Magister populi*, or *Prætor Maximus*. The election of a dictator might be occasioned through dangers threatening the state, either in peace or war, or by the absence of all the higher magistrates from Rome (and then a dictator was elected to hold the *comitia*). Livy tells us that T. Lartius (A. U. 253) was first elected dictator—the city being menaced at the same time by internal commotions, and a dangerous war with the Latins (ii. 18.).

A dictator was sometimes created for the sake of instituting holidays—of celebrating games when the prætor was indisposed—for holding trials (*questionibus exercendis*)—once, after the battle of *Cannæ*, for choosing senators (*qui senatum legeret*), and sometimes for fixing the annual nail (*clavi fingendi v. pangendi causâ*) in the right side of the temple of Jupiter^b, if there was a pestilence, or any great public calamity. He was elected from the consular order, nominated by the senate, and approved by the *populus* or patricians, in a council by night, after the auspices were taken;—*nocte silentio, ut mos est, dictatorem dixit*, Liv. viii. 23.^c All the magistrates, with the exception of the tribunes, surrendered their authority on his appointment.

^b This was done for the sake of marking the number of years, and commonly by an ordinary magistrate. “The design of the ordinance was to prevent the loss of years in the record of time; it being impossible that the official years should answer exactly to the astronomical, when the time of the magistrates expired before their successors were elected.” (*Niebuhr*, i. p. 225.)

^c The dictatorship was essentially a patrician magistracy, and the patricians were somewhat disconcerted when the plebeians, having obtained the power of being elected consuls, could also be elected dictators.

Although the power of the dictator over the life and property of the citizens claimed unconditional

obedience (*pro numine observatum est*), in order that his decisions might be rapid and vigorous, yet it was circumscribed by certain limits. He could only continue in office for the space of six months (*semestris dictatura*), except in cases of the greatest necessity, when authorized by a decree of the people; as, for instance, in that of Camillus: he could not leave Italy; he could not apply any of the public money without the approbation of the senate. In times of peace he was not allowed to ride on horseback in the city without the permission of the people. At first, there was no appeal from a dictator, this being the principal cause of his election—as the decision of the consuls was subject to appeal. A law (*Lex Duilia*, 304) was afterwards passed that no magistrate should be created without the liberty of appeal (*sine provocatione*); and a dictator might also be called to account after he had resigned his office. The dictator was not preceded by lictors; but this rule was violated by Sylla (*Liv. lxxxix. Epit.*):—“*Sulla, dictator factus, quod nemo unquam fecerat, cum viginti quatuor fascibus processit.*” (Crombie's *Gymnasium*, ii. p. 166.)

The dictator usually resigned his office whenever he had effected the business for which he had been created; but Sylla^d and Cæsar, in contempt of the laws of their country, became *perpetui dictatores*. Afterwards this office was altogether abolished. Augustus was offered the dictatorship; but, as he already possessed the power, he wisely declined an appellation that had been rendered odious by the cruelties of Sylla. When the dictator was created for war, he immediately nominated his master of horse (*Magister equitum*), who must at least have been prætor, and whom he could deprive of his command at pleasure.^e Yet the master of the horse might also be nominated by the people

and the senate. He was followed by six lictors, and he wore the *toga prætecta*.

^d No dictator had been created for the space of 120 years previous to the dictatorship of Sylla; but the consuls were invested with a dictatorial power in critical emergencies.

^e By the *Lex Metilia* (516), Minucius, master of horse, possessed equal command with Fabius the dictator. (*Liv.* xxii. 25, 26.)

CHAPTER XIX.

ROMAN MAGISTRATES.

OFFICE AND POWER OF THE CENSORS. — INTERREX. — PRÆFECTUS URBIS. — PRÆFECTUS ANNONÆ. — DECENVIRI LEGIBUS SCRIBENDIS. — TRIBUNI MILITUM CONSULARI POTESTATE. — PUBLIC SERVANTS OF THE MAGISTRATES.

THE Censors (*Censores*), as a particular magistracy, were first introduced long after their duties had been already performed by the kings and consuls. This office was founded upon the division of the people into classes ^a, and was originally limited in its authority; but its limits were gradually extended. It was separated from the consulship (311), as the consuls were prevented by war from holding the census (*censum agere*). Originally the two censors were created for five years, but, as this gave rise to abuse, the term of holding office was diminished to a year and a half (*censura annua ac semestris*). The censors were chosen at first from among the patricians, but afterwards also from the plebeians (404). The title of censor was esteemed more honourable than that of consul (*omnium honorum apex* v. *fastigium*), as appears from ancient coins and statues; and it was reckoned the chief ornament of nobility to be sprung from a censorian family. "The most famous censorships are that of Appius, *Cic. Cato Maj.* § 6., *Hor. i. Sat. vi.* 20.; and that of Cato" (*Liv. xxxix.* 40.).

^a The laws provided the means for detecting false returns by a general system of registration. All children on their birth were

registered in the temple of *Lucina*; all who entered into youthhood, in that of *Juventas*; all the deceased, in that of *Libitina*; all sojourners, with their wives and children, at the *Paganalia*, a festival held every year, in each *pagus*, or village. This registration extended to all changes of abode, of landed property, and every alienation of an article liable to tribute. (*Nieb.* i. p. 406.)

The office of the censors was to register in the *libri Censuales* the ages^b, families, rank, and fortunes of the citizens (*censere populi ævitates, soboles, familias, pecuniasque*), according to their individual classes. Connected with this was the superintendence of morals (*cura morum*), in order that the ancient simplicity might be preserved. Hence the power of the censors, in this respect, embraced all the relations of life. They inflicted marks of disgrace (*notas inurebant*) upon those who had grossly violated laws or morality; and this rigour, though perhaps not always untainted by private or interested motives, was very wholesome for the state. Thus, for instance, a punishment or *animadversio* was inflicted if a knight had not taken proper care of his horse (which was termed *impolitia, incuria*), if a person had contracted debts without necessity, and, above all, if he had been guilty of perjury. The sentence of the censors (*animadversio censoria v. judicium censoris*) only affected the rank and character of persons. Hence it was termed *Ignominia*, from which the *Ignominia ex lege* (as well as the later *Ignominia ex edicto*, which gave birth to the legal *infamia*) must be distinguished. (*Cic. de repub.* iv. 6.)

^b It is reasonable to conclude, with Fabius Pictor, as quoted by Livy, that only those who were able to bear arms were included in the *census*, i. e. those who were about seventeen years of age, and under forty-six. Thus we are to understand Dion. Hal., when, speaking of the fifth Roman *census*, he says, that the number of those arrived at the age of puberty, *εὐ ἡσπ*, amounted to 130,000 men. (*Hooke's R. H.* c. ii.) When the censors registered the property of the citizens, they were said *censere, censum agere v. habere, referre in censum*, and *censui ascribere*; and when the

citizens gave in their account to the censors, they were said *censeri*, *profiteri*, in *censum deferre*; hence *census brevis*, *exiguus*, a small fortune; *equestris*, the property of a knight; *senatorius*, that of a senator.

The punishment inflicted by the Censors varied according to the rank of the offender. A senator they excluded from the senate-house (*senatu movebant* v. *ejiciebant*); an *eques* they deprived of his public horse (*equum adimebant*); and any other citizen they removed from a more honourable to a less honourable tribe (*tribu movebant*), or deprived him of all the privileges of a Roman citizen (*ærarium faciebant*, in *tabulas Cæritum*, *vel inter Cæritas referebant*, i. e. *jure suffragii privabant*).^c "A scandalous offender was always punished with civil degradation by the laws of Rome, as he was with ἀτιμία at Athens. Nor could an offender, upon whom the *turpe judicium*^d had once been inflicted, ever be restored to his civil rank:—*Turpi judicio damnati in perpetuum omni honore privantur* (Cic. pro Cluentio, 42.). But the case was different when they acted upon their private conviction of a man's unworthiness, and not in execution of a judicial sentence" (*Nieb.* ii. p. 396.). By the *Lex Clodia* (695), the censors could not degrade any person who had not been first openly accused and condemned by their joint sentence (*Cic. in Pis.* 5.).

^c The name *ærarius* denotes a person who was not a member of a tribe, but paid a poll-tax for the pensions of soldiers (*æs militare*); and the people of Cære (*Cærites*) first obtained the freedom of the city, but without the right of voting; hence *Cærite cerâ digni*. (*Hor.* i. Ep. 6. 63.)

^d "At Rome, whatever could introduce dangerous innovations, change the heart or the spirit of the citizen, or, if I may so express it, endanger perpetuity, was reformed by the censors." "It was a wise institution. They could not deprive any person of a magistracy, because that would have embarrassed the exercise of the public power; but they could remove a citizen from his order and rank, and thus deprive him, so to speak, of his individual nobility." (*Montesquieu*, p. 79, 80.)

The censors had also the right or charge of giving admission into the tribes, the *equites*, or the senate. Not that they could reject or accept at pleasure—they were officers who merely revised the claims of applicants, and registered accordingly. So also those who were degraded by expulsion from the senate, &c. might have their rights restored again by the people or the censor, at the following *census*. The censors likewise superintended the building of public works (*opera publica ædificanda et reficienda redemptoribus locabant*), the repairing of public roads, bridges, aqueducts, the leasing out of taxes to the farmers-general (*mancipibus v. publicanis*); nay, “so far were the Romans from regarding taxation as depending upon the will of the people, that the senate even left the regulation of the property-tax entirely to the censors.” (*Nieb.* ii. p. 402.) In earlier times, the censors wore a red *toga*, afterwards, the *toga prætexta*. They entered upon their office immediately after their election. According to the *Marcia Lex* (265), no one could be censor twice; if one of the censors died before his term was expired, the other was obliged to lay down his office.

In the latter ages of the republic (when neither censors were elected, nor a *census* held), the office was in some measure supplied by the *præfectura morum*, which Pompey, and afterwards Cæsar, held during their lives. Augustus was invested with the office, under the title of *Magister morum*; and it lingered on, in various forms, under his successors. An interval of five years—the period betwixt each *census*—was termed *lustrum*, because every census was concluded with an expiatory sacrifice (*sacrificium lustrale*); he who performed it was said *condere lustrum*. The sacrifice was termed *Lustrum a luendo*, i. e. *solvendo*, since, on this occasion, the farmers of the public revenue

paid the rent or contract-money to the censors. "This interval has sometimes been made use of, like the Olympiads, for computing time; but its irregularity, arising from religious and other impediments, deprives it of much value." (*Liv.* iii. 22.; *Ideler, Handbuch der Chronologie*, ii. p. 77. *sqq.*)

An *interrex* had been already elected in the time of the kings, when the kingdom was not hereditary but elective. As soon as a king was dead, an *interrex* supplied the vacancy (*interregnum*), until the people (*populus*) had elected a new king. The *interrex* was elected from the patricians; and this *interregal* power of the patricians survived, after the abolition of royalty, being exercised in the electing of new consuls, when the tribunes had interrupted the *comitia* by their *veto*. Their power only continued for five days; hence many *interreges* were necessary, before the election of consuls was completed.

The *Præfectus urbis v. urbi* was elected only in the absence of kings or consuls, in order that the state might not be without a supreme power. "Whenever the kings were in the field, the first senator became *præfectus urbis*, and, like them, decided cases concerning property and occupancy, and provided against sudden emergencies." (*Nieb.* ii. p. 100.) Sometimes he is termed *custos urbis*. During the government of the kings, as well as during the republic, a *præfectus feriarum Latinarum* was appointed, for celebrating the Latin holidays, but he did not assume the presidency. (*Tac. Ann.* iv. 36.; *Dio Cass.* xli. 14.) This office underwent a change, when Cæsar, during his absence, nominated six præfects, and Augustus elevated it to a permanent magistracy. The *præfectus urbi* was selected from the principal men of the state (*ex viris primariis v. consularibus*), and entrusted with the

command of the *cohortes urbanae* and *vigiles*. During the empire, the præfect or deputy (*vicarius*) was supreme judge over the senators and knights; he had the power of banishing persons, and of transporting them to any island which the emperor named (*in insulam deportandi*). The dignity frequently continued for life.

The *Præfectus annonæ* was a magistrate created during the republic in times of scarcity, to take charge of the procuring and the distribution of corn. This magistracy (*omnis potestas rei frumentariæ*) was committed to Pompey for the term of five years. Augustus, however, changed the nature of this office, as he did of all others; in the time of a great scarcity, he undertook the office himself (*præfecturam annonæ*), and afterwards appointed four permanent magistrates (*Suet. Oct. 37.*) to discharge it.

The *Decemviri legibus scribendis* were magistrates chosen to draw up a body of laws (301), in order to reconcile the differences between the patricians (*populus*) and the people (*plebs*). They accordingly completed ten tables, which in the following year were confirmed by the *comitia centuriata*; but as some deficiencies were still to be supplied, decemvirs were again created, and the labour (*xii. Tab.*) was brought to a conclusion. They were invested with extraordinary powers, and all other magistracies were suspended. "The tribunes themselves were not excepted, though their functions had hitherto been always preserved, even under the dictators, and when all other magistracies ceased." (*Hooke's Rom. Hist. ii. ch. 26.*) The *decemviri* endeavoured to establish themselves into a permanent government, but were obliged to yield to the popular will.

The *Tribuni militum consulari potestate* were first

created (310) as supreme magistrates in the struggles of the patricians with the plebeians. This was effected by means of the *Lex Canuleja* (309), through which the plebeians received a share in the consulship. "Whether consuls or military tribunes were to be elected, was always decided by the senate : it preferred the former, because, in their case, votes for a plebeian might be rejected, without trouble or annoyance ; but, after the passing of the *Lex Æmilia*, it was forced to permit the election of tribunes." (*Nieb.* ii. p. 392.) They were at first three in number, then four, and lastly six. This magistracy continued only to the end of the fourth century of Rome, when the plebeians obtained, by the *Lex Licinia Sextia* (377), that one consul should be elected from their body ; afterwards, that both ; which, however, was seldom the case. The *Decemviri navales* were elected in the *comitia tributa*. The *Triumviri agrarii*, or *Triumviri coloniæ deducendæ et agris dividendis*, were commissioners chosen to lead out colonies and apportion the lands. Lepidus, Antony, and Augustus were the *Triumviri reipublicæ constituendæ*, appointed by a formal decree of the senate.

The public servants of magistrates were called *Apparitores*, because they were at hand to execute their commands (*iis adparebant*, i. e. *præsto erant ad obsequium*). The clerks (*scribæ*) wrote out the public accounts, laws, and proceedings (*acta*), and were apportioned to each magistrate by lot ; hence *Scribæ quæstorii, ædilitii, prætorii, &c.* and *scriptum quæstorium comparare*, Suet. ; *Scriptum facere*, Liv. ix. 46. They were distributed into decuries ; whence *decuriam emere* for *munus scribæ emere*. Distinct from these were the *actuarii* or *notarii*, who took down in short-hand (*notis excipiebant*) what was said or done ; they usually belonged to the class of slaves or freedmen. The business

of the *Præcones* (public criers), who were also divided into decuries, was to summon the people to public assemblies, to proclaim silence in them (*silentium indicere* v. *imperare*)^e, to read the laws, catch thieves, invite to public funerals (*funera indictiva*), advertise sales by auction (*auktionem conclamare* v. *prædicare*), proclaim the victors at the games, &c.

^e In religious ceremonies, they made use of a solemn formula: *Favete linguis, ore favete omnes*; in the *comitia*, they summoned the tribes and centuries to vote, called out the vote of each century, and the names of the successful candidates. (See p.170.)

The *Lictores* only accompanied the higher magistrates, as they carried a bundle of rods (*fascēs*), with an axe (*securis*), in the middle. (See p. 133.) The axe was removed by Val. Poplicola, but restored when a dictator was chosen, as it was, also, during the imperial government. Their office was to remove the crowd (*turbam summovere*), by heralding the approach of the magistrate (*prænuncius clamor*)^f, to observe that proper honour was paid to him (*animadvertere*); also to inflict punishment on those who were condemned: *I, lictor, colliga manus, caput obnube hujus, arbori infelici suspendito* — go, lictor, bind his hands, cover his head, hang him on the accursed tree; or, *virgas et secures expedi*, or *in eum lege age*, i. e. scourge and behead him. The *Carnifex* was the person who executed (*supplicio afficiebat*) slaves and persons of the lowest rank.

^f *Cedite, consul venit; date locum* v. *viam consuli*. (Liv. ii. 56.)

The *Coactores* or *Collectors* were persons who collected the public money. Horace's father was a collector of money at public sales (*coactor exauktionum*, Suet. Hor. § i.). The *Accensi* called out the time of the day in the courts and public assemblies, and also

accompanied those magistrates who were not preceded by lictors. The *Viatores* were originally couriers who summoned the senators that dwelt in the country. Afterwards they attended certain magistrates, particularly the tribunes. "The *Stator* was a serjeant or messenger, who stood beside the magistrate, ready to execute his orders. In the reign of the emperors, the *Statores* guarded the back-parts of the general's tent (*prætorium*); and they were called *Statores prætorii*." (Crombie's *Gymn.* ii. 197.)

CHAPTER XX.

ROMAN MAGISTRATES (PROVINCIAL).

DISTRIBUTION OF THE PROVINCES. — PROCONSULS. — THEIR OUTFIT AND OFFICE. — LEGATI. — LEGATIONES LIBERÆ.

WHEN the limits of the empire had been extended by a series of conquests, the provincial magistrates formed a very important body — being appointed to govern those countries which Rome had reduced into the form of a province (*in formam provinciæ redegerat*). Two prætors were first sent in this capacity to the two earliest provinces, Sicily and Sardinia. In later times, it was customary for the *prætor*, after the expiration of his office, to go out into the peaceful provinces as *proprætor*, and for a consul to go out into those that were disturbed, as *proconsul*; so that the whole of the provinces was divided into *Provinciæ Prætoriæ* and *Proconsulares*. The name of *proconsul*, however, is sometimes applied to him, whose consular power had by reason of a war been prolonged beyond the legal time; sometimes a person was nominated *proconsul*, who had never been consul, or, one who had been consul was appointed *proconsul* out of the ordinary manner.

Since provincial appointments were very lucrative appointments, C. Gracchus carried through the *Lex Sempronia de provinciis ordinandis* (632), in order to prevent partiality in their distribution. By this law the

senate was bound to determine, before the *comitia* were held for the election of consuls, which should be consular provinces and which not; the provinces were to be distributed by lot (*provincias sortiebantur*), or the different claimants might settle them by mutual agreement (*inter se compararent*). The *Lex Julia* ordained, that those who had been prætors should not command a province above one year, and those who had been consuls, not above two.

The senate undertook the expenses of sending out these governors; it furnished money for travelling charges (*viaticum*)^a, fixed the necessary number of troops in the province; the retinue (*comitatus* v. *cohors*) which should attend the proconsuls, consisting of lieutenants (*legati*), and military officers (*præfecti*). What was assigned to the proconsuls, for the sake of household furniture, was termed *vasarium*. In their retinue were to be found young noblemen, who went as voluntary attendants to learn the art of war, and see the method of conducting public business, and who, from their intimacy, were termed *contubernales*. These preparations and outfits were termed *instruere* v. *ornare provinciam*.

^a So Pliny speaks of the *viaticum* of the *legatus*: — *Byzantiorum civitati imputata sunt terna millia, quæ viatici nomine annua dabantur legato.* (Ep. 10. 52.)

A proconsul, before he took his departure, went up to the Capitol, dressed in his military robe (*pahudatus*), to offer up his vows (*vota, auspicia, nuncupare*); and his friends then, out of respect, accompanied him some way out of the city (*officii causâ prosequabantur*). If the auspices, however, had been unfavourable, his journey was deferred. In addition to his military command (*imperium*), a proconsul had also judicial authority (*potestatem* v. *jurisdictionem*); and therefore, like the

prætor, he published or made known by edicts the principles upon which he would administer justice. For this purpose, he held assizes or courts of justice (*forum v. conventus agebat*), in the principal cities of the province, which were summoned (*indicebantur*) by an edict on a certain day. Thus, the provinces were divided into so many districts or circuits (*conventus* — hence *conventus circumire, percurrere*); and the proconsul annually chose twenty of the most respectable men in the province as his council (*consilium, assessores, recuperatores*), according to whose opinion he regulated his decisions. As he was prohibited from using any but the Latin language in the functions of his office, he was attended by interpreters. A proconsul could not make war unless the *imperium* had been granted him in the *comitia curiata*. The *Lex Trebonia* (698) assigned provinces to the consuls for five years, — Spain to Pompey, Syria to Crassus, and prolonged Cæsar's command in Gaul. This had been previously extended by the *Lex Vatinia* (694).

A proconsul, then, had the administration of the province in every respect.^b For his labour, the province was bound to indemnify him, by giving him a certain portion of the products of the earth (*salarium*); this was afterwards converted into a payment of money, and became more oppressive to the province. When the year of his office was expired, he was obliged to leave his province (*de provinciâ decedere*), within thirty days, according to the *Lex Cornelia*; having first deposited, in two of the principal cities of his jurisdiction, an account of the money which had passed through his own or his officers' hands, stated and balanced (*rationes confectas et consolidatas*). If he had deserved well of his province, he was honoured by temples, statues, or

even an annual feast (as the *Marcellæ* in Sicily for Marcellus). But, if he had misconducted himself, he might be brought to trial at Rome upon the different charges, whether of extortion (*repetundarum*)^c, embezzling the public money (*peculatus*), or what was termed *crimen majestatis*, if he had betrayed his army or province, or made war upon any province or state without the order of the people or a decree of the senate, &c. (*Tac. Ann.* i. 72.) If he had performed any important exploits, he might claim a triumph. He then sent to the senate letters wreathed with laurel (*literæ laureatæ*, Cic. in Pis. 17.), but remained without the city until the matter was determined — retaining the title of *imperator*, which the army had conferred upon him after the victory.

^b The *decemprimi*, or *decurionum decem primi*, were the ten first senators, in provincial cities, who exercised the highest administrative powers along with the *duumviri* (so the two highest magistrates were called, who were here what the Roman consuls were in Rome). (*Cf. Norisii Cenotaph. Pis. Diss.* i. p. 40. *sqq.* Græv. *ad C. S. Rosc.* 9.)

^c “*Repetundæ fuerunt, quas sive socii, sive cives privati, a magistratibus aut publicis curatoribus judicio repetiverunt.*” (*Pitiscus, Lex. Ant. Rom.*)

The *legati* were originally ambassadors, and then assistants and deputies of the proconsuls (during their absence), even in the supreme command of the army. We must, however, distinguish from these the free legations (*legationes liberæ*), which were granted to senators, in order that they might travel abroad, on their own private affairs, at the cost of the provincial *legati*, and be treated as ambassadors. As this became a grievous burden to the states through which they passed, Cicero would have abolished it, but, from the intercession of a tribune, was obliged to content him-

self with restricting the continuance of it to a year. Every proconsul, too, had a *quæstor*, who superintended the financial department—betwixt whom and the proconsul there subsisted the most intimate connection:—*In parentum loco Quæstoribus suis erant* (Cic. ad Div. xiii. 10. 26.).

CHAPTER XXI,

THE EMPERORS. — OFFICES UNDER THE EMPIRE.

TITLES OF AUGUSTUS. — GOVERNMENT OF THE PROVINCES. — THE COURT-GOVERNMENT INTRODUCED BY CONSTANTINE.

THE nature and character of the state-administration, and the offices connected with it, gradually changed under the dominion of the Emperors, though the shadow of the ancient government subsisted to the time of Constantine, who introduced a formal court-despotism. After Augustus had appropriated to himself the supreme power, he only avoided what was offensive in externals, whilst he permitted the people to invest him with the highest offices. Thus he accepted the titles of *Princeps Senatûs*, *Imperator*, *Imperium proconsulare*, *Divus*, *Augustus*; he permitted himself to be nominated *Pontifex M.* as well as *Augur*. In like manner, he had the *Tribunicia potestas*, *Regimen morum*, the dignity of senator, and the *jus plurium relationum*, or right of making several propositions in the senate.

In earlier times the *Imperator*^a was a superior commander invested with extensive powers for certain undertakings, or it was a title of honour bestowed upon a general by a victorious army on the field of battle, or by the senate. From the time of Augustus, however, it denoted the supreme command over the whole military force of the empire^b, the right of making war and peace, and the power of life and death over all the citizens. Augustus accepted also the proconsulship,

in order that all the proconsuls in the provinces might acknowledge him as head, although he alleged that he did it merely for the sake of freeing the senate and people from trouble and uneasiness.^c *Augustus* (from *augur* — objects consecrated by augurs were termed *augusta*) means *sanctus, sacratus* (and with this *divus* is connected); so that *augustus* denoted a sacred and adorable person, but not a new power. Thus the imperial power was consecrated^d, and on this account the same epithets were conferred upon the ladies belonging to the emperor, contrary to the spirit of the Roman government during the republic, when all women were excluded from political matters. From the end of the second century, the successor of the emperor was also called *Augustus*. The various laws, conferring supreme power on Augustus, were termed *Lex regia, Augustum privilegium*.

^a The right of appeal to the people (*provocatio*) became extinct by the military power which the title of *Imperator* conferred on Augustus. It was an old maxim of the Roman law, that from the sentence of a general in actual service there was no appeal. *Militiæ, ab eo, qui imperavit, provocatio ne esto.* (Cic. de Legg. iii. 3.)

^b Augustus introduced three prætorian cohorts into the city; but Tiberius, under the pretext of relieving Italy from the heavy burthen of military quarters, on account of the seven cohorts which were stationed there, assembled them in a permanent camp, fortified with skilful care, and placed on a commanding situation.

^c Augustus divided the provinces betwixt the senate and himself: a law, however, was passed that, wherever the emperor was present, his extraordinary commission should supersede the ordinary jurisdiction of the governor.

^d We have already mentioned that the tribunes, in order that they might exercise their power with efficiency, were declared sacred and inviolable (see p. 142.); and it was ordained that whoever maltreated a tribune should be punished with death. Now the emperors, as they were invested with the tribunician power, obtained its privileges; and it was the exercise of these privileges which generated such a swarm of public informers (*delatores*), that the accusation of *lèse-majesté* (*læsæ majestatis*), "the crime," says Pliny, "of those to whom they could impute no other," was extended to any one whom the emperor or his minions might think proper to

victimise." (*Montesquieu*, p. 131.) "Caligula, indeed, abolished the arbitrary crime of *lèse-majesté*; but what was the gain? He put to death *à la militaire* all who displeased him: he held the sword suspended over the senate, whom he threatened to exterminate entirely." (p. 134.)

Augustus was also called *Pater patriæ* (pater atque princeps." 1 Hor. Od. ii. 50.) — an epithet which had already been borne by deserving men during the republic. It was first formally conferred upon the dictator Cæsar; and from the time of Caligula was assumed by the most unworthy emperors. *Cæsar* originally denoted only the adopted son of Julius Cæsar; afterwards, the emperors named their successors *Cæsares*; and, from the time of Nero, the emperors themselves bore that title. As *Pontifex Maximus* Augustus became the head of the pontifical colleges — the superintendant of religion*, with which was connected the exposition of the *jus sacrum*. He introduced also the *Quæstores Candidati* or *Candidati Principis v. Augusti*, whose business it was to read his epistles and speeches (*libellos, epistolæ et orationes*) in the senate, and to superintend the imperial treasury (*fiscus*). As these *candidati* had the interest of the emperors in suing for preferments, hence *petis tanquam Cæsaris candidatus*, you sue carelessly (*Quinct.* vi. 3. 62.).†

* *Cæsaris innumeris* —

Accessit titulis pontificalis honos. (Ov. Fasti, iii. 420.)

† The *Præfectus vigilum* had the command of the seven cohorts (which chiefly consisted of freedmen, *libertino milite*) appointed to guard the city. The *Præfectus militaris ærarii* had the charge of the public fund set apart for the maintenance of the army. Augustus also fitted out two fleets, one of which he stationed at Ravenna on the Adriatic, and the other at Misena on the Tuscan. Each had its own præfect (*præfectus classis Ravennatis — Misenatum*).

The provincial magistracies also underwent a thorough transformation after Augustus had divided the pro-

vinces betwixt himself (*provinciae Cæsareæ*) and the people (*provinciae populi, provinciae senatoriæ*); and their governors were generally termed *rectores*. Into the imperial provinces senators were sent as *legati Cæsaris* or *legati Augusti*, and likewise into the senatorian; they were chosen by lot. The emperor determined the duration of their office for the former; that of the latter was fixed for a year; the former wore a military dress and sword, like generals, and the latter not. They were also called *proconsules*.

Those who were in possession of the supreme command in the imperial provinces were termed *legati Augusti, legati Imperatoris, legati Cæsaris, legati Augusti pro prætore, legati consulares* or merely *consulares*, and the inferior officers, *legati*, or *legati pro prætore*.^s A general designation of all provincial officers was *præsides* (ἡγεμόνες, *Polyb. ii. 24.*). The *Procuratores provinciarum* (ἐπιτροποι, διοικηταί) collected the taxes (*publicos redditus colligebant et erogabant*). In the imperial provinces they collected all, since all belonged to the treasury of the prince (*fiscus*), but in the provinces of the senate only those which belonged to this treasury, whilst the rest, which belonged to the treasury of the state (*ærarium*), were collected by the proconsul. Sometimes they were invested with a superior power against the proconsul (*jus gladii*). In the smaller provinces, and especially in those where they constituted the highest magistrates, the administration of criminal justice was committed to them; on which account they made an addition to their title — *procurator*^h *et præsides*, or *procurator et prolegatus*. In this manner a beneficial control was maintained over the power of the provincial magistrates, which had frequently been abused at an earlier period. The imperial

ordonnances were, by virtue of the *lex regia* or the *lex imperii*, as valid as a decree of the people.

¹ If the *legatus*, or any other person, performed anything, it was said to be done by the conduct of the *legatus* (*ductu legati*), but under or by the auspices of the emperor (*auspicio*). So Suetonius, when enumerating the conquests of Augustus, says, — *Domuit autem partim ductu, partim auspiciis suis.* (Aug. 21.) It is justly observed by Montesquieu, that the “power of the emperors might easily appear more tyrannical than that of the princes of our times. As their dignity was the assemblage of all the Roman magistracies; being dictators under the name of emperors, tribunes of the people, proconsuls, censors, grand pontiffs, and, when they wished, consuls, they might easily, in the exercise of distributive justice, be suspected of oppressing those whom they condemned. The people ordinarily judge concerning the abuse of power by the greatness of the power itself; whilst, on the other hand, the kings of Europe, being legislators, and not judges, have relieved themselves from that part of the authority which might become odious, and have committed to particular magistrates the distribution of penalties.” (p. 147, 148.)

² The primary meaning of *procurator* is — deputy, agent, *alieni juris vicarius* (Cic. Cæcin. xx. 57.). The *curator*, or *curator bonorum*, was a person assigned by the prætor to manage the property of an orphan of age (*puberis*) till his twenty-fifth year; also to superintend a lunatic: —

*Nec medici credis, nec curatoris egere
(Hor. Ep. i. 1. 102.)*

Tutor (*tueri*), the guardian of one not of age (*impubes*) till he had completed his fourteenth year: — “*Tutores personis, curatores rebus dabantur.*” (Heineccius, i. 22. 4. p. 221.)

The division of the empire into Eastern and the Western, and the complete change of government consequent upon it, gave rise (with respect to state offices) to a distinction between real magistracies (*magistratus*) and mere dignities (*dignitates*), as well as a corresponding gradation of titles, unheard of at an earlier period. Actual duties were performed by the *præfectus prætorio*, who was first created under Augustus as commander of the cohorts, which constituted the body-guard of the emperor. From the time of Severus, the senatorial dignity was connected with this office;

and under Marcus Antoninus, this præfect was invested with a *jurisdictio* and great administrative powers in the affairs of the empire. From the time of Commodus, he was confined to the latter. In later times, there were four of these præfects, two in the east, and two in the west; but Constantine distributed this power among many magistrates.ⁱ

ⁱ "Each of the divisions of the empire (eastern and western) was subdivided into two *præfecturæ*; the first in Illyricum and the east, and the others in Italy and Gaul. The *præfectus prætorio* had the superintendence of these four *præfecturæ*. These *præfecturæ* were again divided into fourteen districts (*dioceses* s. *vicariatus*), each governed by a *vicarius*, who resided in the principal city of the district (*metropolis*). The fourteen departments were again subdivided into 120 provinces, each of which had its president or governor (*proconsul*, *consularis corrector*, *præses*, &c.)." (Meyer's *Lehrbuch*, p. 6.)

The distinctions of the *præfectus prætorio* were the sword which he received from the emperor, when entering on his office — free access to the palace — precedence at every audience — the other ministers or officers also waited upon him in the morning. Then followed the *præfecti urbis*, one in the east and the other in the west. The *magistri militum* were the highest commanders — three in the west, and five in the east; two of which — the *magistri militum præsentiales*, commanded the emperor's body-guard. The lord of the bed-chamber (*præpositus sacri cubiculi*) had the superintendence of the *cubicularii*; and the *officia palatina* were under two *magistri officiorum*. The care of every thing connected with the imperial household was committed to the *comes sacrarum largitionum*, *comes rerum privatarum*, and *comes domesticorum*. The *primicerius notariorum* superintended the *notarii*, or scribes, who were very numerous.^k

^k Previous to this, Hadrian had created several offices pertain-

ing to the imperial court (*officia domus Augustæ, or sacri palatii*). The individuals who bore these offices received the general title of *comites*, and were divided into classes — *comites primi, secundi, tertii ordinis*. Those who belonged to the cabinet-council of the emperor (*consistorium principis*) had the precedence, and were termed *comites consistoriani* or *consistorini*, the privy council. In this council public matters (*negotia publica*) were merely debated; and we must carefully distinguish it from the “judicial council” of the later emperors, in which questions of right were discussed and decided.

The *magister scriniorum* took charge of the imperial archives. It was the duty of the *magister scrinii memorie* to dictate the oral commands of the emperor; the *magister scrinii epistolarum* was the private secretary of the emperor, and was obliged also to answer certain law-questions in writing. The *magister libellorum* (master of requests) had the care of petitions and the scribes (*libellenses*) necessary for the purpose. It was the duty of the *comes dispositionum* to take care of the decisions of the prince in matters of right; he had also many scribes (*referendarii*) under him. The titles and dignities introduced by the Emperor Theodosius were *nobilissimi*, applied to the imperial princes; the higher officers of the state, from the *præfectus prætorio* to the lord of the household (*comes domesticorum*), were termed *illustres*; those of the proconsular, consular, or senatorian order, *spectabiles* and *clarissimi*; governors of inferior importance, *perfectissimi*; and the remaining magistrates, *egregii*: the members of the privy council were termed *silentiarii*.

CHAPTER XXII.

THE RIGHTS OF ROMAN CITIZENS.

DIFFERENT DEGREES OF CITIZENSHIP.—MUNICIPIA.—COLONIE.—
 PRÆFECTURÆ.—PROVINCIAE.—LIBERÆ CIVITATES.—NATURE OF
 THE JUS ITALICUM.—JUS PUBLICUM.

THE relation of the provinces, of individual cities and places to Rome (the centre of all political life), and to Roman citizenship, are highly diversified. Conspicuous above all stood the Roman citizen (*civis*)^a, although the rights of citizenship (*civitas*, *jus civitatis*) were not always of the same value, or admitted the same gradations. A citizen of inferior rights had only CONNUBIUM (civil marriage, *Connubium habent cives Romani cum civibus Romanis*; Ulpiani fragment. tit. v. § 4.), with its civil consequences, along with COMMERCIIUM (*vindicatio*, *cessio in jure*, *mancipatio*, *nexus*, see p. 181.) The *civis optimo jure* was distinguished by his birth (*gentilitas*), the *jus suffragiorum* (the right of voting), and the right of bearing public offices (*jus honorum*).

^a All those living in Rome, who did not participate in the rights of Roman citizens, were anciently called *hostes*, afterwards *peregrini*. They were not permitted to use the Roman dress: they were sometimes compelled to leave the city (*Lex Junia*, 627; *Papia*, 688): they had not the right of legal property, or making a will: their goods, in case of death, were either transferred to the treasury (*redacta in ærarium*), as having no heir (*bona vacantia*), or, if they had attached themselves (*se applicuissent*) to any patron, that person succeeded to their effects *jure applicationis*. (Cic. pro Cæcinâ, 33, 34.) In process of time, these inconveniences were removed; and, after the regulations of Caracalla and Justinian (mentioned below), the name disappeared, and the

inhabitants of the whole world were divided into Romans and barbarians.

The ^b *Latinus* (whose civil rights were designated by the term *Latinitas*) could marry with Roman citizens when permission had been previously obtained, and he could also attain to the right of Roman citizenship (*jus civitatis*), under certain circumstances, amongst which may be reckoned the filling of magistracies and offices of honour in his native city. (See p. 178.) The *Peregrinus* in Rome did not enjoy the rights either of *connubium* or *commercium*, or, in fact, any rights worth mentioning (*vide supra*). There were different grades of *peregrinity*, however, as *socii* in general; *socii nominis Latini*; *dedititii*; yet they could attain to individual privileges, as, for instance, those of *connubium* (Liv. xxxi. 31.). *Commercium* is defined by Ulpian, *emendi vendendi invicem jus*. (Fragm. xix. 5.)

^b The Latin people, who had the *jus Latii*, and accepted the *jus civile Romanum*, whereby they became Roman citizens, *lege Juliâ Plotiâ*, were termed *populi fundi*. The term *fundus* in addition to its literal signification of *soil* is also applied to him who sanctions or accepts any thing by subscribing, as, for instance, in laws: — *Hæc ego, non ut hujus sententiæ legisque fundus subscriptorque fierem....* (Gell. xix. 8.) As the Roman empire enlarged itself, and a greater value was attached to the dignity of a Roman citizen, the freedom of the city was more sparingly communicated, and then, in the majority of instances, with considerable restrictions. Some received the right of voting (*jus suffragii*), others not. In this manner all Latium and Italy, by degrees, and, towards the end of the republic, individuals, cities, and provinces, out of Italy, were endowed with the rights of citizenship. Augustus was very sparing in this respect; but the succeeding emperors improved in liberality. Caracalla admitted to the class of citizens all the *freeborn* inhabitants of the empire; and Justinian extended the privilege to all who had been made free (*liberti*); thus rendering the rights of all equal.

The *Municipia* were foreign or Italian towns participating more or less in the rights of Roman citizenship. They stand in a more intimate relation to Rome

than the other cities; their inhabitants were termed *Municipes*, because they could enjoy offices at Rome (*munia v. munera capere possent*).^c They lived under magistrates elected by themselves (*ordo decurionum, duumviri, quatuorviri, ædiles*), and had either their own or Roman laws. In the one case, they were *municipia cum suffragio*, and their citizens possessed all the rights of Roman citizenship (*cives optimo jure*); in the other case, they were *municipia sine suffragio*; the citizens *cives non optimo jure*, and they could merely attain to military offices, on which account they were also termed *socii*. Under the emperors their rights were continually more and more limited, and they merely retained their peculiar city-government, police, administration of their revenues, and jurisdiction (*jus edicendi*).

^c *Munus* properly signified a duty which a citizen was bound to discharge, whether by personal or pecuniary services; and *municipes* was the opposite of *immunis*, as *vesticeps* was of *investis*. "*Municipium*, like *mancipium*, was, beyond doubt, originally the right itself; but, as happened, at least in one sense, to the latter word, was transferred to the object to which the right was attached; in this sense, to the class that possessed it." (*Niebuhr*, i. p. 53. 56.) *Munia* is distinguished from *munera* by conveying a stronger idea of trouble and responsibility: *belli pacisque munia*. (*Liv. i. 42. 5.*)

The Roman colonies (*coloniæ*)^d were for the most part founded by and under the authority of government; being intended to serve both as outlets for poor and discontented citizens (*coloniæ togatæ*), and as military stations or garrisons (*coloniæ sagatæ v. militares*), not only to maintain conquests, but also to defend subject-towns which, whether from the loss of inhabitants, or naturally, were too weak to repel an advancing enemy. Their internal government was modelled on that of Rome; and while their superior officers were mostly sent from the capital, they were made to con-

tribute their full quota of troops and taxes, to assist in carrying on the contests in which the republic was almost constantly engaged. (*M'Culloch*.) The Roman colonies, therefore, essentially differed from those of the Greeks (*ἀποικίαι*). (See Art. COLONY, *Encyc. Brit.*)

^d So termed from the *coloni* or husbandmen to whom the lands were assigned: "*Quæ in municipia, quasque in colonias decemviri velint, deducant colonos, quos velint; et iis agros assignent, quibus in locis velint.*" (Cic. Agr. i. 6. cf. ii. 28.) Colonies were usually led out by three commissioners (*per triumviros coloniæ deducendæ agroque dividendo*, Liv. viii. 16.), and sometimes more. They marched to the destined place, like an army, under flying colours (*sub vexillo*); and their operations were commenced by taking the auspices and offering sacrifices. "The whole government of the towns soon fell into the hands of these new comers. Not that the old inhabitants were reduced to servitude; they generally became incorporated with the colonists into one people. But the senate, as it was originally at Rome, was formed out of one race; and this race (the colonists) were alone eligible to magistracies." (*Nieb.* i. p. 256. ii. p. 42.) Military colonies were first established by Sylla, for the purpose of rewarding his veterans; and his conduct was imitated by J. Cæsar, Augustus, and others.

The citizen-colonies (*coloniæ togatæ*) were founded either by Roman citizens, or sent into cities already existing; and then the Latins, or the ancient inhabitants of the cities, were incorporated with the colonists. Hence they were divided into *coloniæ civium*, and *coloniæ Latinorum*; and hence again into *coloniæ cum suffragio*, and *coloniæ sine suffragio*. The colonies in Italy had in general the preference over those in other conquered countries; they received laws from Rome, (*populi fundi*), and had no jurisdiction of their own. It may be remarked, that when Roman citizens became united with the *Latini* ^e into one colony (*Colonia Latina*), the rights of the former were abridged by the *capitis deminutio media*; hence these colonies are considered as *civitates fœderatæ*. The term *deminutio capitis* is applicable to every change made in a person's condition, on account of his becoming *deterioris juris*,

i. e. losing some portion of his rights (*capitis minor* ; Hor. iii. Od. 5. 42.).

* The Latins at first were not allowed the use of arms for their own defence without the order of the people. (*Liv.* ii. 30. ; iii. 19.) But afterwards they served as allies in the Roman army, though they were never incorporated in the legions. They were also subject to scourging, from which citizens were exempted by the Porcian law. After the Marsian or Social war (A. U. 663, mainly caused by the *Lex Licinia Mucia*, which enforced a rigid inquiry into the titles of Roman citizenship), all the Latins who had stood true to the Romans received the rights of citizenship by means of the Julian law (*Lex Julia*). "After the Julian law there were no Latin colonies till, a year later, a new *Latium* (called the *lesser Latium*) was introduced. The country on the north of the Po, filled with a mixed population, was raised by a law of the consul Cn. Pompeius Strabo (*Lex Pompeia*, 665) to the rank of Latin colonists, though no colonists were sent to them. The peculiarity of this franchise (see p. 175.) was, that persons who filled magistracies and offices of honour in such towns acquired the Roman franchise, and they alone." (*Nieb.* ii. p. 78.) After the Social war, all the Italians also obtained, by the Julian and other laws, the right of voting and of enjoying honours. The distinction of the *Jus Latii* and *Italicum*, however, still continued ; and these rights were granted to various cities and states out of Italy : hence farms in those states were said to be *in Italico solo*, and were called *prædia censui censendo*, i. e. they could be registered in the books of the censor (*in censum referri*) as *res mancipi*, which could be bought and sold by the civil law. (*Cic. pro Flacco*, 32.) In reference to the freedom of the city being communicated to so many people after the social war, Montesquieu observes : — "When the people of Italy became the citizens of Rome, every city brought its own genius, its own particular interests, and its dependence upon some great protector. All affairs were decided by faction and violence. The ambitious brought up whole towns from the remote parts of Italy to trouble the elections at Rome ; so, that it was scarcely possible to know whether any act had passed regularly by the genuine suffrage of the people." (p. 85, 86.) The ancient republics had no idea of a *representative* system. Thus Rome itself, from the extension of its empire and the rights of citizens, became filled with the dregs of the universe : — *Jampridem Syrus in Tiberim defluxit Orontes*, &c. (*Juv.* iii. 62.) See Lucan, vii. 406.

The *Præfecturæ* were towns in which justice was administered by a *Præfectus juri dicundo*, sent from Rome for that purpose. In other respects they were partly *municipia* and partly *coloniæ* ; and they elected

their own magistrates, ædiles, prætors, and *decuriones*, who exercised the same functions as the senators at Rome. Their municipal rights were first abridged by the emperors. A *forum conciliabulum* was a mere market-place, or place of assize in districts, where there was no city which had the right of self-elected judges and magistrates. The *fora* (when distinguished from the *conciliabula*) were larger and had more extensive privileges.

Provinces (*provinciae, provincere*), both in reference to themselves, and in reference to single places situated in them, stand in relations, towards Rome, of a very diversified character. The provinces were either governed by Roman governors (*proconsuls, proprætors*), according to Roman right and their native right co-existing along with it; or they were governed according to their own laws by Roman governors; or dependent and tributary princes were set up, and a Roman governor associated with them in the exercise of the supreme power, as in Palestine.

In the provinces there were free cities (*liberæ civitates, ἐλευθέρας πόλεις*), whose freedom (*libertas*) consisted in their being exempted from a permanent Roman garrison, since they voluntarily acknowledged their dependence upon Rome, as a relation of friendship.^f Such was the condition of Marseilles from an early period, Patras, under Augustus, Antioch, in the time of Pompey, &c. These cities, governed by their own laws (*πόλεις αὐτόνομοι*), were also entitled to preserve their own native right free from any admixture with the Roman, although they frequently solicited improvements of their laws from the Roman senate, or from their patrons who were Roman patricians. (*Cic. Verr. ii. 22. 28. 37. 49. 50.*) They had the free pro-

perty of the soil (with the possibility of civil property for every one who was in possession of the Roman *commercium*), along with freedom from the land-tax (*census soli*). They had often an exemption from direct and indirect taxes at Rome (*immunitas*), as well as a formal treaty of alliance (*fœdus*) with Rome. (*Dirksen. Vers. z. Krit. u. Ausleg. d. Röm. Rechts*, p. 148.) The laws by which any province was governed were termed its form or *formula*; hence, *in formulam sociorum referri*, to be enrolled among the *socii* (Liv. xlv. 16.): *In antiqui formulam juris restitui*, to be brought into their former state of dependence on, &c. (xxxii. 33.) The term *provincia* is sometimes used figuratively:—*O Geta, provinciam cepisti duram*; Ter.

“The Romans,” says Montesquieu, “had many sorts of allies. Some were united to them by a participation of their privileges and greatness, as the Latins and Hernici; others by their establishment, as colonies; some by benefits, as Massinissa, Eumenes, and Attalus, who were indebted to them for their kingdoms or aggrandisement; others by free treaties; and those became subjects, by a long usage of alliance, as the kings of Egypt, Bithynia, Cappadocia, and the greater part of the Greek cities; finally, many by forced treaties and the law of their subjection, as Philip and Antiochus; for they never accorded peace to an enemy without including an alliance; that is to say, they never reduced a people to subjection without employing them as instruments to reduce others. Thus, Rome was not properly a monarchy or a republic, but the head of a body formed by all the nations of the world.” (*Montesquieu*, p. 58, 59.)

The provincial *municipia* had the same privileges as the Italian; only they could not exercise the right of voting (*jus suffragii*). In the provinces we also meet with *Oppida Latina* and *Coloniæ*. To the latter belonged also the *Coloniæ provinciales*, whose citizens were *peregrini* (see p. 174.), and *Coloniæ juris Italici*, whereby these cities became possessed of all the rights which the Italian cities possessed, but which were not

in general accorded to the provincial cities. (*Savigny über d. jus Ital.* p. 5.) The privileges of the *jus Italicum* were the right of free government (a state merely of *apparent* independence, with their own magistrates), exemption from land-tax (*agri tributum*), and poll-tax (*capitis tributum, exactio capitem*). Finally, the soil might be placed in *dominio Quiritario* ^a, i. e. *justo et legitimo* ^b; a right which even the free cities (*αὐτόνομοι*) could not naturally possess, since, with the rise of Roman property in them, the Roman right must still have been inadmissible, and since a Roman citizen could not be a citizen of any other state: — *Duarum civitatum civis esse nostro jure civili nemo potest.* (Cic. pro Balbo, xi.)

^a DOMINI QUIRITARI, qui optimo jure possidere dicebantur.

^b "When a person had the use and enjoyment of a thing, but not the power or property of alienating, it was called *usufructus*. *Usus* was the occupation for which an individual rendered a stated due (*fructus*). In this sense Lucretius says, *Vitæque mancipio nulli datur omnibus usu* (for *usu*). 'Life belongs to the common stock of nature: she withdraws it from the possessor at her pleasure: it never becomes his property.' *Mancipium* was the old word for property; *usus*, according to its most ancient acceptation, was the act of possessing; *possessio*, the object possessed; hence *usu capere*." (Nieb. ii. p. 137.) The following definitions are given by the Roman lawyers: — *Ususfructus est jus alienis rebus utendi, fruendi, salvâ rerum substantiâ.* (Paullus, Digg. vii. 1. 1.) *Usucapio est edictio domini per continuationem possessionis temporis lege definiti.* (Modestinus, Digg. xli. 3. 3.) *Usurpatio est usucapionis interruptio. Oratores autem usurpationem frequentem usum vocant.* (Paullus, Dig. xli. 3. 3.) *Mancipatio* was a solemn sale, where, in presence of five witnesses, the seller delivered the thing in question to the purchaser, who received it with these words: *Hanc ego rem ex jure Quiritium meam esse aio, eaque mihi est empta hoc ære æneâque librâ*; and threw a piece of money (*æs*) into the scale (*libra*) of the *libripens* who stood by. "Every landed estate is a *prædium*; but only one that is the property of the possessor is called, in relation to him, *ager*; that which he occupies, but which neither is nor could be his property, is termed *possessio*. (Cic. adv. Rullum, iii. 3.; Nieb. ii. p. 142.) *Mancipia* implies the actual transfers of property; *negum*, the form where the ownership remains, but the thing is pledged." (Nieb. i. p. 509.) The term *possessiones* was applied not only to *prædia*, but also

to estates which lay out of Italy, or in such provinces which had not accepted the *jus Italicum*.

The *jus publicum* comprises those rights which the citizen possessed as a member of the state. The possession of these is the *optimum jus civitatis*, and is either derived from birth (as the child of a free father and a free mother¹), or as a gift through a decree of the people, of the senate, and, in later times, of the emperor. The rights of citizenship varied in degree, as either the *jus suffragii*, or the *jus honorum*, and other privileges might be included in them or otherwise. The loss of citizenship (*jus civitatis*) was the consequence of unredeemed captivity, of exile, and of state-offences. The slave received civil rights by his manumission. The solemn manumission, which was accompanied with legal formalities, and secured the rights of citizenship in an inferior degree (*non optimâ lege*), was termed *manumissio justa*; the inferior, *manumissio minus justa*^k (see p. 87.). The freed slave, who assumed the *prænomen* and family-name of his master, and added his own to it as an *agnomen* (as *Marcus Tullius Tiro*, the freedman of Cicero), was called *libertus* in reference to his master: in reference to his own condition, as belonging to the class of freedmen, he was termed *libertinus*.

¹ If both parents were Romans, and married, the child always obtained the rank of the father (*patrem sequuntur liberi*, Liv. iv. 4.), and, if unmarried, of the mother. (*Ulpian.*) The advantages of a citizen were manifold: he was eligible to the offices of the magistracy; by the *leges Porcia* (454) and *Sempronia* (628), he could not be scourged, fettered, or condemned without the judgment of the people. He was enrolled in the legions; had the full *patria potestas*—the right of adoption, of wearing the *toga*; he alone could inherit the property of a Roman; for strangers, though citizens, were excluded from all successions. The barrier, however, between the *cives Romani*, the *cives coloni*, and the *cives municipes*, was gradually withdrawn by the grants of the emperors.

^k Till the fifth century of Rome, those who had been freed were

termed *liberti*; their children, *libertini*; and their grandchildren, *ingenui*, or freeborn. Afterwards, when the children of freedmen became *ingenui*, their parents were termed *liberti* in reference to the act of manumission (thus Phædrus, *Augusti libertus*), but *libertini* in reference to their present relation and quality. This continued to the silver age, when, under the emperors, the *liberti* also became entirely free (*ingenui*). (Ramshorn's *Synonymik*, vol. ii. p. 175, 176. Compare Tac. 13. 26, 27.; Wolf ad Sueton. Claud. 24.; Passow ad Tac. G. 25.)

CHAPTER XXIII.

ROMAN JURISPRUDENCE.

SOURCES OF ROMAN JURISPRUDENCE. — LEGES REGIÆ — XII TAB.
— RESCRIPTS, EDICTS, ETC. OF THE EMPERORS. — CODEX THEODOSIANUS — JUSTINIANUS. — PANDECTS. — ROMAN LAWYERS.

THE Roman system of right is a matter involved in much difficulty, on account of the numerous changes which it gradually experienced. In general, the Romans understood by *jus* whatever was right and honourable (*omnia recta et honesta*); but, in particular, what was ordained by a law (*lex*), i. e. a resolution approved by the people (*plebiscitum*). With respect to objects of right, according to their classification, the Romans distinguished them by epithets, as *jus naturale*, *jus gentium*, *jus civile* or *jus legitimum*, *jus publicum*, and *jus privatum*. The earliest laws originated out of usage, to which were added the decrees of the kings (*leges Regiæ*). These, however, lost their authority when the relations of the government were changed with the abolition of royalty, and in the struggles that broke out thereupon between the plebeians and the patricians. The *leges Regiæ* have been collected by Lipsius (*Opera*, tom. iv. p. 277.) 1637.

The first laws enacted with a view to these new relations, were the laws of the *Twelve Tables*, which perished at the destruction of the city by the Gauls (A. U. 308). These, however, did not satisfy the wants

of the community ; hence the people assumed the right of making laws by their decrees. To these laws we must add the edicts of certain magistrates. The emperors also were obliged gradually to introduce others, as the whole administration had been moulded into another form. Augustus set the example in giving the force of laws to the resolutions of the senate, and to his own edicts (*Tac. Ann.* iii. 28.) ; and his successors improved upon it.* The emperors ordained laws, by their answers to applications made to them at home or from the provinces (*per rescripta ad libellos supplices, epistolas v. preces*) ; by their decrees in judgment or sentences in court (*per decreta*) ; by their occasional ordinances (*per edicta et constitutiones*) ; and by their instructions (*per mandata*) to lieutenants and officers.

* Amongst the different sects into which jurisprudence was divided, the *Proculliani* and *Sabiniani* were the most influential. The head of the former was Q. Antisteus Labeo, who investigated the subject without being fettered by any predilections for the imperial authority ; the head of the other was C. Atejus Capito, whose attachment to the government of Augustus was rewarded by the consulate (759 A. U.). The school of Labeo was established still more firmly by his scholar Masurius Sabinus, after Tiberius had conferred upon it the *jus respondendi*, and the power of issuing *responsa*. The principles of the two schools were afterwards amalgamated by the *libri tres juris civilis* of Sabinus. " It is well known that the decisions of certain lawyers obtained the force of laws. In a rescript (*rescriptum*) of Constantine (327), we find the highest authority ascribed to the opinions of Julius Paullus. After an interval of nearly one hundred years, appeared another imperial constitution, by which the judges are bound to decide points of law according to the number of accredited opinions. When the number are equal, and the decision of Papinian can be produced on one side of a question, his authority must be allowed to preponderate, '*qui ut singulos vincit, ita cedit duobus* ; ' and it is only in the case of a perfect equilibrium of legal opinions that they are left to the full exercise of their own discretion." (*Codex Theodosianus*, lib. i. tit. iv. p. 24. ed. Wenck. *Encyc. Britann.* art. CIVIL LAW.)

The three great sources, therefore, of Roman juris-

prudence were the laws (*leges*) properly so called, the decrees of the senate (*senatus-consulta*), and the edicts of the prince (*constitutiones principales*). To these may be added the edicts of the prætors and other magistrates (called *jus honorarium*), the opinions of learned lawyers (*auctoritas v. responsa prudentum v. juris-consultorum*), and custom or long usage (*consuetudo v. mos majorum*). Collections and digests of these were formed under the title of *Codices*; as the *Codex Gregorianus*, *Hermogenianus*, *Theodosianus*, *Justinianus*, &c., compiled, as the names import, under different emperors and lawyers. *Gregorius* appears to have collected the imperial constitutions belonging to the intermediate reigns from Hadrian to Constantine the Great. *Hermogenianus* or *Hermogenes* is supposed to have formed a supplementary collection; and the remaining fragments consist entirely of the constitutions of Diocletian and Maximinian. Though no public sanction (*auctoritas*) of these two codes is recorded, it is probable that they obtained some degree of authority in the forum (*Heineccius*, p. 478. ed. Ritter); the same, in fact, as might belong to the publication of an English author who had prepared a digest or an abridgement of the statutes.

The compilers of the Theodosian code were eight in number; and by a constitution which has been lately discovered, bearing the date of 435 A. D., the emperor invested these commissioners with power to retrench what was superfluous, to add what was wanting, change what was ambiguous, and correct what was incongruous.^b This code was published A. D. 438, and embraces a period of 126 years (from 312 to 438), commencing with the first Christian emperor, and is divided into sixteen books. There is a systematic exclusion of the constitutions issued by the military adventurers, who,

during that interval, were finally unsuccessful in their attempts to usurp the government; but the selection is not limited to Christian princes, for here we find the apostate Julian among other imperial lawgivers. The code is divided into sixteen books, and the laws which compose each title are arranged in chronological order.

After the interval of a century, the example of Theodosius was followed by Justinian (528 A. D.). The compilers of this code were ten in number: Tribonian was placed at the head of the commission (some of whom were *antecessores*, or professors of law), and their collection includes the edicts and rescripts of a long series of princes from Hadrian to Justinian.^c The new code received the imperial sanction on the 7th of April, 529 A. D. Justinian, however, having afterwards issued fifty new decisions (*decreta*), and promulgated various other *new* constitutions (*Novellæ* sc. *constitutiones*), a revised edition (*codex repetitæ prælectionis*) was published and sanctioned on the 16th of November, 534 A. D. During this interval Tribonian had been appointed, along with sixteen associates, to prepare a general digest of legal science (*Pandectæ* v. *Digesta*), not from the edicts and rescripts of the emperors, but from the *writings of those lawyers* who enjoyed the highest reputation in the forum.^d

^b "In the novel which sanctions the Theodosian code, the emperor evidently admits that the compilers (*conditores, rédacteurs*) whom he had employed were not mere copyists: — *Munet igitur manebitque perpetuo, elimata gloria conditorum, nec in nostrum titulum demigravit nisi lux sola brevitatis.*" "A compendium of the Roman laws (compiled from various sources) was published under the auspices of Alaric, king of the Visigoths (A. D. 506). It has been known for several centuries under the title of *Aniani Breviarium* (or Abridgement of Anianus). To all the books contained in the collection, with the exception of the Epitome of Caius, is added an *interpretatio* or explanation. When the writers of the middle ages quote the Theodosian code, they very commonly refer not to the text but the commentary." *Gothofredus* (or Godefroy) is the great expounder of the Theodosian code. (*Lug-*

duni, 1665.) This edition was republished and improved by Ritter (*Lipsiæ*, 1736—45; 7 tom. fol.) The first five books have also been edited, with improvements (from newly-discovered sources), by *Wenck*, 1825.

^c The groundwork of the *Digests*, as well as the *Code* of Justinian, was laid by the *perpetuum edictum*, published, under the auspices of Hadrian, by *Salvius Julianus* (132 A. D.), and forming a digest of the earlier edicts. This edict has perished. (*Bähr*, p. 748.)

^d In this manner the Pandects included a mass of extracts from the earlier jurists; but, as they contained all that was necessary, the older works were no longer transcribed, and, in this respect, jurisprudence has suffered an irreparable loss.—The genuine text of the “*Institutes of Caius*” was not discovered till the year 1816. In the library of the chapter of Verona the celebrated Niebuhr found a juridical MS. of great antiquity; and when a short extract was communicated to Savigny (author of the “*History of the Roman Law in the Middle Ages*”), he easily ascertained that it formed a portion of the original work of this ancient lawyer, who flourished about the age of Antoninus. In the course of the following year, the Royal Academy of Berlin dispatched to Verona two distinguished members of the University, Professor Göschen, a civilian, and Professor Bekker, a philologist, entrusted with the important commission of executing a transcript of the MS. The manuscript is a *codex rescriptus* (or *palimpsest*, πάλιν and ψέω, *rado*), and to a considerable extent *bis rescriptus*; and without the aid of a chemical process, it would have been impossible to read what had been thus written and erased. It may safely be affirmed that the discovery of the *Institutes of Caius* forms a new era in the history of jurisprudence. (*Encyc. Brit.*)

A short and elementary work (*Instituta*), professedly compiled from more ancient treatises of the same nature, and particularly from the *Institutes of Caius*, was published and sanctioned on the 21st of November 533, as a standard introduction to the study of the law. After the death of Justinian, a collection was at length formed of his novels or new constitutions (νεαράι διατάξεις, *novellæ authenticæ*), 168 in number; these are followed by thirteen Greek edicts of Justinian, which properly conclude the *Corpus Juris Civilis*. It is worthy of remark, that those who are unacquainted with the institutes and pandects, are unacquainted with the full compass of the Latin language;

the terse and appropriate phraseology with which they abound, was transfused from the productions of a purer age. (*Encyclopædia Britannica*, art. CIVIL LAW.) See Hume's History of England, vol. iii. p. 300.

We may easily explain this richness of the Roman jurisprudence when we consider that its formation was committed to jurists rather than legislators. For this purpose the form of *responsa*^e was very serviceable, so that the method observed in their writings was throughout directed to the practical. These writings were partly explanations of existing rights and laws, &c.; partly treatises on specific subjects or portions of them; commentaries on the writings of the earlier jurists; treatises on the principles of right (*institutiones*); collections of miscellaneous essays (*enchiridia*), or of abstract principles of right (*regulæ, definitiones*); collections of cases (*responsa, epistolæ*); or of principles of right considered as decisive (*sententiæ*, in opposition to *opiniones*); and in later times, as we have seen, extensive systems of right (partly in the form of commentaries, partly under the title *digesta*); and finally works of a miscellaneous or connected character under different names (*disputationes, questiones, &c.*).

^e "It is my opinion that, before the time of Q. Mucius (till 672 A. U.), jurisconsults merely collected in their books the individual cases with which they had been engaged, without observing any order, or establishing distinct classes under which they might be comprehended, and that Q. Mucius was the first who deduced from them the precepts and definitions (*præcepta et regulas*), which were contained in so many answers (*responsa*)." (*Schneider*.) The patricians, from their relation to their clients (see p. 73.), and especially the *pontifices*, were the most ancient interpreters of the law, and the first jurists by profession. They instructed their clients in the best method of bringing forward and conducting their causes. In difficult cases, those skilled in the law met in the Forum, near the temple of Apollo, and, after deliberating together (*disputatio fori*), pronounced their decision. These decisions of the lawyers were termed *recepta sententia, receptum jus*; and

the rules observed in legal transactions, by their consent, were called *regulæ juris*. The knowledge of the various forms necessary to be observed in the prosecution of lawsuits was for many years confined to the patricians, and particularly the *pontifices*. Cn. Flavius, however, the secretary of the lawyer Appius Claudius, secretly transcribed the book containing this information, and published it (A. U. 440); and hence the book received the name of *Jus Flavianum*. The patricians, however, invented new forms of process, and, in order to keep them secret, expressed them in a species of short-hand (*notis*); but these forms also were published, and the book was named *Jus Ælianum*. Tib. Coruncianus, who was the first plebeian *Pontifex Max.* (A. U. 500) was the first who gave legal advice to all citizens without distinction. The houses of celebrated lawyers were frequently beset with clients before day-break (*sub galli cantum — consultor ostia pulsat*, Hor. Sat. i. 10.), and were considered as the oracle of the whole city. Hence Cicero calls their power *regnum judiciale*.

Law assumed the form of a science during the later ages of the republic; and jurisprudence, like philosophy, was at length subdivided into sects. The chief splendour of the Roman lawyers is to be traced from the reign of Augustus to that of Severus; and the last name of great celebrity is that of *Herennius Modestinus*. With this pupil of *Ulpian*, the oracles of the civilians became mute — *hic jurisconsultorum finis est, hic oracula jurisconsultorum obmutuere* (Gothofredi Hist. Juris Civilis, p. 14.). All the decisions of the earlier jurists, which were not admitted into the Pandects, lost their previous authority. The Pandects are divided into 50 books, 422 titles, and 9123 laws, each with the name of its author. No commentaries were allowed upon the Pandects — only verbal translations into Greek, references, citation of parallel passages — the so-called *παράτιτλα*. (*Encyclopæd. Britann. ut supra*; *Bähr, Geschichte der Römischen Literatur*, pp. 739. 766.)

CHAPTER XXIV.

JUDICIAL PROCEEDINGS OF THE ROMANS.

CRIMINAL TRIALS (*JUDICIA PUBLICA*).—JURY (*JUDICES*) HOW CHOSEN.
 —THEIR NUMBER.—ORDER OF PROCEEDING AGAINST A CRIMINAL.
 —CRIMINAL CAUSES TRIED IN THE SENATE.

THE administration of justice exhibited a rigid adherence to certain forms (*formulae, verba concepta*), which could not be neglected or violated. It related partly to public causes (*causæ publicæ*), partly to private (*causæ privatæ*), and consequently was exercised either through public trials (*judicia publica*), or private (*judicia privata*), or, as we express it, civil or criminal. The *causæ publicæ* concerned the state in itself, and the citizens as members of the state; the *causæ privatæ* related to private matters. Upon this distinction rests the different appellation of the accuser and the accused, the plaintiff and the defendant, in a civil or criminal trial. In the *judicia publica*, the accuser is termed *accusator*, the accused *reus*, and the charge *accusatio*; whilst in a civil trial, the plaintiff is termed *petitor*, and the defendant *is qui, unde petitur*. As many persons might accuse an individual at the same time (which was frequently done in the case of celebrated personages by young men who wished to acquire a name, *Cic. pro Cælio*, 7. 30.), it was determined in the first instance, by an investigation (*divinatio*), who should be the principal accuser (*propriè accusator*), whilst the rest attached themselves to him by subscribing the accusation (*causæ v. accusa-*

tioni subscribebant), hence termed *subscriptores*. The principal accuser, also, was said *causam subscribere*, to subscribe the indictment; and by this he subjected himself to the same penalty in case he did not prove his charge, or bring it into court within thirty days. This was intended to prevent frivolous litigation.

Criminal trials were at first held (*exercebantur*) by the kings, with the assistance of a council. After the expulsion of the kings, capital crimes were judged and punished by the consuls. But the consuls did not remain long in possession of this power; for by the law of Val. Poplicola, concerning the right of appeal, the popular assembly became the court of decision; but afterwards (604), permanent courts (*quæstiones perpetuæ*) were established. These were termed *judicia publica ordinaria*; and the judicial assemblies of the people, in extraordinary cases, which it had reserved for its own decision, were called *judicia publica extraordinaria*.^a The prætors were the presidents of the permanent courts (*quæsitores, quæstioni præerant, quæstionem habebant*), and a select number of jurymen, *concilium de viris delectis*) was assigned to each (see p. 136.).

^a The trials before the people (*judicia ad populum*) were held in the *Comitia Centuriata* when the crime was capital, i. e. when it was to be decided concerning the life and freedom of a Roman citizen; and in the *Comitia Tributa* when the question was merely about the imposition of a fine (*mulcta*).

The jury (*judices*) were originally chosen out of the senators; since the time of Gracchus, out of the *equites* (*Lex Sempronia*, 628); since Sylla again out of the senators (*Lex Cornelia*, 672); from the passing of the *Lex Cottia* (683), out of the senators, knights, and *Tribuni Ærarii*, and since the time of Cæsar (*Lex Julia Judiciaria*), out of the senators

and knights.^b They were posted up in public (*in album referabantur*); whereupon they were termed *assessores* or *consessores*. The great number of them (which, since the *Lex Cornelia*, was 300, then ascended to 600 — from the time of Sylla was again reduced to 300, but under the emperors exceeded 1000,) was divided into decuries, of which there were three till the time of Augustus, who added a fourth. The requisites in a judge or jurymen were purity of morals, and a mature age; Augustus, however, *a vicesimo allegit*, chose them from the age of twenty (*Suet. Aug.* 32. 38.) The foreman of the jury was termed *princeps* v. *judex quæstionis*; he stood by the side of the prætor, and frequently supplied his place. In a trial for bribery, the accuser was allowed to name (*edere*) the jurymen from the people in general (*ex omni populo*). *Cic. pro Planc.* 17.

^b “ Claudius achieved the destruction of ancient institutions by giving to his officers the right of administering justice. The wars of Marius and Sylla had no other object but to determine who had this right, — the senators or the knights; the caprice of an individual took it away both from one and the other: strange result of a dispute which had thrown the whole universe into a state of combustion! There is no authority more absolute than that of a prince who succeeds to a republic; for he finds that he has all the power of a people which could not even limit itself.” (*Montesquieu*, p. 139.)

The summoning into court (*vocatio in jus*) commenced with the accuser requesting of the *judices* that he might be allowed to produce his charge against the individual or individuals (*nomen alicujus deferre*). This request was termed *postulatio* (hence *postulare aliquem de crimine*, to accuse), and at an earlier period was made orally, but in the time of the emperors must be made in a written form (*libellus postulationum*). When the accuser summoned the accused, he was said *diem dicere*, sc. *eum accusandi*. The accuser must then

take a solemn oath that his charge was true, and that he did not accuse from malice (*calumniam jurabat*); and thereupon the amount of damages, &c. was fixed (*lis æstimabatur*) by the jury. If the accused said nothing to the charge, the matter was ended; if not, the accuser wrote out the indictment (*libellus accusationis*) in due form. At the same time, he was bound to forfeit a certain sum, or pay a certain mulct, if he did not carry on and make good his charge.

If the prætor fixed a day of trial, then the accused person (now termed *reus*) put on the *sordida vestis* (hence Horace calls them *mæsti rei*), and endeavoured to procure himself friends and advocates. The friends who assisted him were called *advocati*, the speaker or public defender, *patronus causæ*; the *cognitores* and *procuratores* conducted the defence, particularly of absent parties. The *cognitores* were limited to their instructions (*certis verbis*), whilst the *procuratores* were left to their own discretion (*ex solo mandato, nullis certis verbis*). Caius, Instit. iv. § 83, 84.

On the appointed day, the accuser and the accused were summoned by a herald. If the defendant did not appear, he was exiled; and if the plaintiff was absent, the name of the defendant was struck out from the list of criminals. But if both appeared, the *judices* or jury were chosen by lot or by naming (*per sortitionem* v. *editionem*); the accused might reject or strike out (*rejicere*) those whom he disapproved, and the prætor or *judex quæstionis* might substitute (*subsortiretur*) others in their room, until the legal number was completed.^c Before they took their seats (*subsellia occupabant*), they took an oath that they would observe the laws and judge uprightly (hence called *jurati homines*), and their names were registered in a book (*libellis consignabantur*).

* By the *Lex Vatinia de alternis consiliis rejiciendis*, it was enacted that, in a trial *de repetundis*, the defendant and the accuser might for once reject all the jury. (*Cic. in Vat. 11.*)

The evidence was now gone into, and might be of three kinds,—the declarations of slaves, extorted by torture (*quæstiones*); the testimony of free citizens (*testes*); and documentary evidence (*tabulæ*). The accuser spoke first, proceeding to prove his charge, which he usually did in two actions (*duabus actionibus*); producing in the first action his evidence or proofs, and in the second enforcing them. Witnesses might be either voluntary or involuntary; the latter were summoned by a writ analogous to a subpœna (*iis testimonium denunciabatur, inviti evocabantur*); but the prosecutor only was allowed to summon witnesses against their will. Those who were inadmissible as witnesses were termed *intestabiles*; false witnesses were thrown headlong from the Tarpeian rock. Slaves were stretched on a machine called *Eculeus* or *Equuleus*; hence *eculeo longior factus*, Sen. Ep. 8.; their limbs being distended by means of screws. Slaves could not be examined by torture against the life of their master (*in caput domini*), except in case of incest, or conspiracy against the state. Masters sometimes manumitted their slaves in order to release them from this cruelty (*Cic. Mil. 21.*).

The accuser was then followed by the *patroni*, who were frequently supported (especially in causes *de repetundis*) by respectable individuals, who gave testimony to the good character of the accused party (*laudatores*). Ten of these *laudatores* was the usual number, at least the lowest (*legitimus numerus consuetudinis*). When these matters were ended, the jury began their consultation, to which they were summoned by the prætor (*prætor mittit iudices in consilium*); and then they gave their votes by tablets, which

were collected into an urn. Each juryman received three tablets from the prætor; one marked with the letter A. (*absolvo*), the second with C. (*condemno*), or Θ., (the first letter of Θάνατος, death; hence called *mortiferum*, Martial vii. 36., and *nigrum*, Pers. Sat. iv. 13.); and the third with N. L. (*non liquet*).

If the number of votes for acquittal and for condemnation was equal, the criminal was acquitted *calculo Minervæ*, by the vote of Minerva, as it was termed; because, when Orestes was tried before the Areopagus of Athens for the murder of his mother Clytæmnestra, and the judges were equally divided, he was acquitted by the determination of the goddess. (*Æschyl. Eumen.* l. 738.) If the majority of the tablets were marked with N. L. (*non liquet*, sc. *mihi*, it is not clear), the prætor adjourned the sitting of the court, with the words *non amplius*, to another day; this was termed *ampliatio* (*causa ampliata est*). It was anciently the custom to use white and black pebbles (*lapilli* v. *calculi*), in voting at trials; hence *causa paucorum calculorum*, a cause of small importance, where there were few judges to vote (*Quint.* viii. 3. 14.); *errori album calculum adjicere*, to pardon or excuse (*Plin. Ep.* i. 2.); *reportare calculum deteriorem*, to be condemned.^d (*Corp. Juris.*) The prætor, when about to pronounce sentence of condemnation, laid aside his *toga prætexta*; and the criminal frequently prostrated himself before the *judices*, in order to excite their compassion.

^d *Et si calculus omnis huc et illuc*

Diversus bicolorque digeratur:

Vincet candida turba nigriorem (Mart. xii. 34.);

in allusion to the preponderance of happiness over pain.

If the criminal was acquitted, he was then at liberty to bring a charge of false accusation (*calumnia*) against

the accuser, who became *intestabilis*, and (if the accusation was proved to be false and vexatious) was branded on the forehead (*Lex Memmia v. Remmia* — year uncertain) with a K. (*Kalurnia*), Plin. Paneg. xxxv. 3. Hence *calumnia litium*, i. e. *lites per calumniam intentæ*, unjust lawsuits. The accused might also bring a charge of *prævaricatio* * against his advocate, if he had not conducted the business with due zeal or circumspection. In processes *de repetundis*, we may remark, as a peculiarity (*Lex Servilia*, A. U. C. 653.), that the second stage (*actio*) of the trial was resumed, after an adjournment of a day (*perendinum, comperendinatio*) †; and also that the *patronus* spoke first, and the accuser answered. Under the emperors, judicial procedure underwent many changes, inasmuch as every thing was made dependent on the senate. The senate received the accusation (*cognitionem susceperunt, inquisitionem dederunt*), summoned the accused, who was brought into the house by lictors (*inductus in senatum*), and also executed the sentence. They frequently took upon themselves to mitigate or extend the rigour of the laws (*mitigare leges et intendere*); but their decision might be reversed by the emperor.

* *Prævaricari*, originally to straddle: *Arator, nisi incurvus, prævaricatur*, i. e. *non rectum sulcum agit*. (Plin.) Hence to shuffle, play fast and loose. If an advocate was found guilty of *prævaricatio*, he was suspended from the exercise of his profession (*ei advocacyibus interdictum est*), or otherwise punished.

† This law was repealed by the passing of the *Lex Acilia de repetundis* (by M. Acilius Glabrio, 683) which enacted that sentence should be passed, *semel dictâ causâ*, and that there should not be a second hearing (*ne reus comperendinaretur*). (Cic. Proëm. in Verrem.)

The senate appointed the advocates to plead a cause (*dabat advocatos v. patronos*); if many stepped forward, it was determined by lot who should manage the cause. When an advocate began to plead, he was said *de-*

scendere ut acturus, ad agendum ; and he commonly associated a young man with himself to introduce him at the bar, and recommend him to notice (*producere ostendere famæ*). Plin. Ep. vi. 23. §

§ The greatest crime that a Roman citizen could commit was the *crimen majestatis*, or the open violation of the security and dignity of the Roman people and its magistrates. Hence there arose, under the emperors, the celebrated *crimen læsæ majestatis* (also termed *crimen impietatis*, Tac. Ann. vi. 47.), a most powerful instrument of despotism (*adjumentum regni*) for the removal of obnoxious individuals, and gratifying the caprices of tyrants. Thus, for instance, Caligula put a woman to death because she appeared *en déshabillé* before his statue. (See Montesquieu, ch. xiv.) Various laws were enacted against the *crimen majestatis*, as the *Lex Appuleia* (A. U. 652), *Cornelia* (A. U. 672), the *Leges Julæ* by Cæsar and Augustus. Very nearly related to this was the *crimen perduellionis* (see p. 138.), or the crime of high treason, i. e. making attempts against public liberty, the liberty of individual citizens, or to obtain the supreme power (*crimen regni*). The investigation of this crime was conducted by the people in the *Comitia Centuriata*. The *crimen repetundarum* related to the extortion which magistrates exercised upon the inhabitants of provinces whilst they were in office. The *Lex Calpurnia* (A. U. 604), which introduced the *quæstiones perpetuæ* (see p. 138.), was directed against this offence; and it was followed by many others, particularly the *Lex Cornelia* (A. U. 672), *Julia* (by Cæsar, A. U. 694). The *crimen ambitus* related to bribery and other malpractices in the suing for offices. Numerous laws were enacted to check this evil (though they did not exterminate it), as the *Lex Patelia* (A. U. 397), *Bæbia* (A. U. 571), *Tullia* (A. U. 690), *Licinia* (698), *Pompeia* (A. U. 702), &c. The *crimen peculatus* related to the embezzlement of public money. Sylla enacted laws against the crime of falsification (*dè falso*), of assassination (*de sicariis*), &c. (See p. 138.)

CHAPTER XXV.

JUDICIAL PROCEEDINGS OF THE ROMANS.

CIVIL TRIALS.—VARIOUS KINDS OF JUDGES.—POSTULATIO ACTIONIS,
—VADIMONIUM.—MANNER OF CONDUCTING A TRIAL.—PLEADING.
—MODE OF GIVING JUDGMENT.—APPEAL.

CIVIL causes (*judicia privata*) were committed to the *prætor urbanus* and *peregrinus*, who were assisted by *judices* when the subjects to be decided were to be treated according to established laws (*causæ stricti juris*), and by *arbitri*, when the matter was to be decided according to discretion (*ex æquo et bono*), (Seneca de Benef. iii. 7.; Cic. de Off. iii. 15.). The *recuperatores* were judges who recovered for every man his own property; *de pecuniis repetundis ad recuperatores itum est* (Tac. Ann. i. 74.). The *centumviri*, *centumvirales*, were judges independent of the prætor; they judged chiefly concerning testaments and inheritances, and the causes that came before them are called *causæ centumvirales*. They were selected out of all the thirty-five tribes; three from each (strictly, therefore, 105 in number); they constituted the *judicium centumvirale*, from whose decision there was no appeal. This court was probably instituted about 513 A. U. Under the emperors, the number of judges multiplied with the increase of business; and, on that account, they were divided into four sections (*collegia tribunalia*). In less important matters, a small number was selected out of the whole college, called *decemviri*

litibus judicandis, or merely *decemviri*. They had a spear set upright before them during trial (in the *Basilica Julia*—sometimes in the *Forum*); hence *judicium hastæ*, for *centumvirale*, Val. Max. vii. 8. 4. *Centum gravis hasta virorum*, Mart. (See Major's Adam, p. 134., note.) *Centumviralem hastam cogere*, to assemble the court of *centumviri*.

In a civil trial, the plaintiff was termed *petitor* or *actor*^a; the defendant, *is*, *qui*, *unde petitur*, and the bringing of the action, *petere* or *agere*. Supposing the matter was not settled in the interim between the parties by the intervention of friends (*inter parietes*), a formal action was commenced by summoning into court (*in jus vocare*), which the plaintiff or prosecutor was to announce personally to the defendant, with the words *in jus te voco*, or *in jus eamus*. If the defendant refused to follow, the prosecutor took some one present to witness, by saying *licet antestari?* May I take you to witness? If the person consented, he offered the tip of his ear (*auriculam opponebat*), which the prosecutor touched.^b In the earlier times of the republic, the prosecutor was authorised by the Twelve Tables to use force and drag his adversary into court in any way, even by the neck (*collo obtorto, cervice adstricta*). No one, however, could be forced from his own house to appear before the court, for a man's house was considered his castle.

^a The term *actor* was particularly applied in a *causa publica* to the one who was chosen (this was termed *divinatio*), out of many *accusatores*, to carry on the process against the accused (*agere reum*). Cicero (*Quint.* 13.) distinguishes between *accusator* and *petitor*:—" *Possumus petitoris personam capere, accusatoris deponere.*" (Ramshorn's Lateinische Synonymik Theil, i. 29.) Public informers were called *quadruplicatores*, because they accused persons who, upon conviction, as of illegal usury, gaming, &c., were condemned to pay four-fold (*quadrupli damnari*); hence *quadruplicatores beneficiorum suorum* (Sen. de Benef. viii. 25.), in reference to those who, for small favours, sought great returns.

^b ——— *Licet antestari? Ego vero
Oppono auriculam. Rapi in jus.* (Hor. i. Sat. 9. 76, 77.)

When both were before the prætor, the plaintiff proposed the action (*edebat actionem*, which he intended to prosecute against the defendant, *intendere in reum*), according to certain forms (*formulae*), which could not be violated. He then demanded a writ for that purpose (*postulabat actionem*)^c from the prætor. If the prætor granted the action (*actionem v. judicium dare*), the plaintiff offered the writ to the defendant. It was unlawful to change the form of the writ; and if there was a mistake in one word, the plaintiff lost his cause (*formula excidebat*, i. e. *causa cadebat*, Suet. Claud. 14.). The defendant could not obtain his release from the plaintiff until he had procured some one of corresponding rank and condition who would give bail for him, and undertake his cause as *vindex*: — *VINDEX ab eo quod vindicat, quominus is qui pressus est, ab aliquo teneatur*; Festus, p. 279. Lind. *Vindex est, qui alterius causam suscipit vindicandam, veluti quos nunc procuratores vocamus*; Boeth. ad Cic. Top. 2. A brief statement of the matter (*contestatio litis*) was made by both parties before the prætor.

^c Actions were divided into two kinds — *actio in rem*, as when the question was about the recovery of some property (accompanied with *injectio manus* before the prætor, if the property consisted of moveables, as, for instance, a slave); and personal actions (*actiones in personam*). Actions concerning bargains or obligations are usually called *actiones empti, venditi, locati*, &c. Actions for a private wrong were of four kinds: — 1. *Ex furto*, for theft. By the laws of the twelve tables, a thief in the night time might be put to death; also in the day-time, if he defended himself with a weapon, when the injured party had called out for assistance (*quiritare*, i. e. *fidem Quiritium implorare*). Slaves were so addicted to stealing that they were anciently termed *fures*, and theft, *servile probum*. (Tac. Hist. i. 48.) A thief caught in the act (*manifesto furto*) was obliged to restore fourfold; and if he was too poor, he was adjudged as a slave to the injured party. (*Blair on Slavery*, p. 40.) 2. *Ex rapina*, with respect to robbery;

It was punished much less severely than theft. 3. *Ex injuriâ*, affecting the body, dignity, or character of individuals. By the xii Tab. smaller injuries were punished with a fine of twenty-five asses; but greater ones (as, for instance, depriving a person of the use of a limb) were punished by the *lex talionis*, (see p. 209.), if the injured person would not accept of any other compensation. The *talio*, however, fell into disuse, being superseded by a fine. If any one slandered another by defamatory verses (*famosum carmen*), he was beaten with a club (*Hor. ii. Sat. 1. 82.*), as some say, to death. 4. *Ex damno*. If any one slew the slave or beast of another, it was termed *damnum injuriâ datum*; he was obliged to repair the damage.

Important in controversies of private right was the so much misunderstood *vadimonium*. It denotes that relation by virtue of which a party in a matter of private right personally introduces a third, in order that a decision might be made by them according as he is legally entitled. This, however, only took place in matters of private right, although in the *capitales causæ* (affecting the highest rights of a citizen), of the *judicia publica*, *VADES* were frequently made use of (*Liv. iii. 18.*; *Cic. Tusc. v. 22.*). The *vadimonium* was of a double nature, in respect to its object and its effects. We distinguish an earlier and a later; the former we term, for the sake of distinction, *vadimonium legitimum*, and the latter *vadimonium prætorium*; which was again divided into *vadimonium voluntarium*, and *vadimonium necessarium*.^d

^d The object of the *vadimonium legitimum* was, that the parties should appear before the *judex* (not before the magistrate). It did not take place at the summoning into court (*in ius vocare*), but after the deposit (*sacramentum*) was arranged, the *judex* determined, and the promise of trying the case was fulfilled on the third day (*comperendinatio*). It is uncertain when this went out of use; perhaps (from the time of passing the *Lex Albutia*) with the increased security of judiciary procedure by means of *formula*. The *vadimonium prætorium*, whose object was that the defendant should appear before the magistrate (not before the *judex*), was furnished by the defendant alone: it is still mentioned by Caius as a *vadimonium*, but by the Justinian books of right, only as a security for appearance at trial (*cautio sisti judicio*). The *vadi-*

monium voluntarium was executed voluntarily by the defendant for the plaintiff; and that when he could not or would not immediately obey the summons into court (*in jus vocatio*). The *vadimonium necessarium* was given by the defendant (according to the pleasure of the plaintiff), under the immediate agency of the magistrates, either voluntarily or by compulsion.

On the part of the plaintiff, an *astipulator* (*Caii Inst.* iii. § 215.) was necessary for the security of the claims, in case the plaintiff, as *stipulator* (or the person who demanded the promise or obligation, *qui sponsionem exigebat*, should die); and on the part of the defendant were required *sponsores*, *fidepromissores*, and *fidejussores*, as sureties. When the *vadimonium* was settled, the matter began to be *in jure*, not *in judicio*. If the plaintiff and the defendant became reconciled in the interim, the matter did not come *in judicium*, but was said to be made up and compromised (*res composita et transacta est*). In this case, the plaintiff was said to have dropped the suit (*decidisse v. pactionem cum reo fecisse*), and the defendant, *litem redemisse*, after receiving security from the plaintiff (*cum sibi cavisset v. satis ab actore accepisset*), that no further demands were to be made upon him, *amplius a se neminem petiturum*. The voluntary relinquishing of a lawsuit (when it was commenced *lite contestatâ, judicio constituto*), on the part of the plaintiff, was termed *non vult prosecui*; if through want of proof, *non potest prosecui*.

A *vadimonium* that had been fixed for a certain day might be put off by the consent or agreement of the parties; or the prætor might put off the hearing of the cause (*vadimonia differre*)* to another day. When the parties fulfilled or satisfied the *vadimonium*, they were said *ad vadimonia venire, occurrere, currere, descendere, vadimonia obire*. If the defendant was present, he was said *sistere vadimonium*; if not, *deserere*

vadimonium: In this case, if the defendant had given security (*satisdatio*) by bail, a legal claim might be made upon the bail (*Cic. ad Att. xvi. 15.*); or an execution might be issued upon the effects of the defendant (*missio in bona*) by the *recuperatores*. This, however, was considered as a harsh and extreme proceeding (*extrema* and *inimicissima jura*, *Cic. pro Quint. 15.*), since, with the loss of his goods, the defendant also forfeited for ever his highest civil rights (*jus suffragii et honorum*), *Gell. Noct. Att. xvi. 13.*

* *Vadimonium missum facere*, to release a person from the obligation of appearing for trial. *Pullati proceres, differt vadimonia prætor* (*Juv. iii. 214.*). The nobles are in mourning — judicial business is suspended.

If both parties appeared before the prætor, the plaintiff, who opened the business, was obliged to conform strictly to the established forms (*formulae constitutæ*), since a single mistake might be fatal to his cause (*formula cadere v. excidere* — *causâ cadere, litem, causam, rem perdere, rem amittere*). As the first question *in jure* was, whether an action could be granted (*sitne illi actio?*), the prætor might refuse to take cognizance of the matter (*dare judicio*), if the complaint was manifestly unjust, or made *ex turpi causâ* (*Brisson. de Form. v.*), if it was directed against such persons as could not be proceeded against, or if the action was brought at too late a period, or vitiated by any other informality. In this case, the plaintiff appeared as setting up a frivolous and vexatious plea (*temerè litigans*); and the defendant might now institute proceedings against him (*jusjurandum calumniæ, calumniæ judicium, contrarium judicium, or restipulatio*), in which he assumed, of course, the character of plaintiff. The issue of this new action decided retrospectively upon the first; if it was unsuccessful, the

earlier defendant (or plaintiff, in the present case) was *convictus* in the second action, and *confessus* in reference to the first.

As to the choice of *judices*, the plaintiff proposed them to the defendant, who could strike off four from the list, with *hunc nolo*. When the *judex* or *judices* were agreed upon, the plaintiff then requested the prætor to appoint them in these words:—*Prætor, judicem arbitrumve postulo, ut des in diem tertium sive perendinum*; and the judge or judges were then appointed (*dabantur* v. *addicebantur*). The judges were obliged to take a solemn oath that they would judge according to the laws and their own conviction (*ex animi sententiâ*); laying their hand, at the same time, upon a small altar (*puteal Libonis*, because that place, when struck with thunder, had been expiated by Scribonius Libo). They then took their seats on the *subsellia*, at the feet of the prætor; hence they were called *pedanei judices*, and *sedere* is often put for *cognoscere*, to judge (*Plin. Ep. v. 1.; vi. 33.*); as we say, the Court is *sitting*, i. e. engaged in the dispatch of judicial business.

Lawyers or *jurisperiti* were frequently associated with the *judices* as *consiliarii* (*in consilium rogati*), to whom we must add the *causidici*, who conducted the defence. The advocates first pleaded the cause briefly, by stating what are now technically termed the points of the case (*locos* v. *sedes argumenti*)^f, and then in a formal oration (*justâ oratione*), when they enlarged upon the merits of the case, and exhausted all the evidence. To prevent them, however, from being too tedious, it was ordained by the Pompeian law, in imitation of the Greeks, that they should speak by an hourglass (*ad clepsydrum*, water-glass); hence *Plin. Ep. vi. 2. : quoties judico, quantum quis plurimum*

postulat aquæ do ; I give the advocates as much time as they require. §

^f This was called *causæ coniectio*, *quasi causæ in breve coactio*. (Ascon. in Cic.) "The expression is as old as the twelve tables: — *In foro aut comitio, ante meridiem causam coniecito*." (Crombie's *Gymn.* ii. 402.) The orators were accustomed to commit to writing the heads of speeches (*capita*) which they were about to make; and these are the *commentarii* of which Quintilian speaks (x. 7. 30.). Some of these were written with great care (*in memoriam posteritatis compositi*).

^g By the *Lex Pompeia* the accuser was only allowed two hours to enforce the charge; the criminal three for his defence. This regulation was considered as a restraint on eloquence. (*Dialog. de Orat.* 38. Cic. in *Bruto*, § 94.) "The construction of the clepsydra was simple: — A glass vase was filled with water; at the bottom was a very small hole, which suffered it to escape drop by drop; on the sides was a gradually descending scale of hours from 12 to 1; so that, as the water subsided, a needle fastened to a cork, and floating on the surface, indicated the hour."

Lest the advocates should be at a loss, or forget themselves in their pleading, they were supported by *ministratores* (similar, perhaps, to the *pragmatici*, Juv. Sat. vii. 123.), who suggested (*qui subjicerent*) the various points connected with the law of the question, &c. They were in the habit, too (under the emperors), of keeping persons in their pay (*conducti et redempti mancipēs*), to collect hearers (*colligere coronam, auditores*)^h, who were called *laudicæni* (i. e. *qui ob cœnam laudabant*), because they received a dole (*sportula*), or a certain hire (usually three *denarii*), for their serviceⁱ: — *Fœsidium laudat vocalis agentem Sportula* (Juv. xiii. 32.). *Agentem*, whilst pleading.

^h *Jam clamor, centumque viri, densumque coronæ*

Vulgus, et infanti Julia tecta placent. (Mart. vi. 38.)

Centumviri (see p. 199.); *Julia tecta*, i. e. *basilica Julia* (see p. 9.)

ⁱ The *Lex Cincia* or *Muneralis* (A. U. 549) prohibited any one from taking money or a present for pleading a cause; but, under the emperors, lawyers were permitted to take fees (*honorarium*), though not above a certain sum (*usque ad dena sestertia*, Tac. Ann. xi. 7.)

When the pleadings were ended (*causa utrinque perorata*), the prætor either passed judgment (*litem addixit*), or, if there was any difficulty or obscurity in the case, he took time to consider of it; *diem diffindi*, i. e. *differri jussit, ut amplius deliberaret*. (Ter. Phorm. ii. 4. 17.) The prætor expressed his opinion by *VIDERI* (*videtur fecisse, videtur non fecisse*), or *DARE* (*dare litem*). In cases that were conducted before an arbiter, the *arbiter*, when giving judgment, was said *arbitrari*. When the lawsuit was determined (*lis judicata est*), the condemned party might institute his process again (*in integrum restituitur, judicium restituitur*); but appeal was not allowed in all cases. Plebeians could only appeal to the tribunes (*appellare ad tribunum*)^k: in the time of the emperors, the appeal (*provocatio*) could only be made to themselves, at least the final appeal. The appeal was said *admitti, recipi, non recipi, recusari*; and he to whom the appeal was made was said *de v. ex appellatione cognoscere, judicare, sententiam dicere, pronunciare appellationem justam v. injustam esse*. Nero ordered all appeals to be made from private judges to the senate. After judgment was given, the conquered party was obliged to do or pay what was decreed (*judicatum facere v. solvere*). If he failed or did not find securities (*sponsores v. vindices*) within thirty days (called *dies justi* in the xii Tab.), he was given up by the prætor to his adversary (*judicatus*, i. e. *damnatus et addictus est*), and led away by him to servitude.^l

^k *Tribunos plebis appello et provocho ad populum.* (Liv. 8. 33. 7.)

^l "Whoever, after the prætor's sentence (in question of debt), failed to discharge it within the limited term, was consigned, by the law, to the creditor as his bondman (*addictus*). A person was *nerus* when, in the presence of witnesses, for money weighed out to him, he had disposed of himself, and, consequently, of all that belonged to him. So long as the *nerus* was not *addictus*, he enjoyed the same rights as every other full citizen. He who was

adjudged as a slave lost his civic rights." (*Nieb.* i. p. 508.) "At the expiration of sixty days in the private prison of the creditor, the debt was discharged by the loss of liberty or life. The insolvent debtor might be sold beyond the Tiber, or, if several creditors were alike obstinate and unrelenting, they might legally dismember (*secare*) his body. Such was the decemviral law; but it was abolished by the humanity of accusers, witnesses, and judges." (*Gibbon's Decline and Fall*, ch. xlv.) See Major's Adam, p. 45., note, and Appendix, p. 522.

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CHAPTER XXVI.

PUNISHMENTS AMONG THE ROMANS.

MULCTA. — TALIO. — VERBERATIO. — VINULA. — MORS. — IGNOMINIA. — EXILIUM. — INTERDICTIO AQUÆ ET IGNIS.

PUNISHMENTS^a, among the Romans, varied at different periods, according to the existing state of civilisation. In the earliest period they were simple, in accordance with the manners of the people and their mode of life. When the most distinguished citizens cultivated their fields themselves, the *mulcta* was a *fine* of so many sheep or oxen[†], and this was called *damnum*, as it was a great loss to the person who was condemned to pay it. The lowest fine (*mulcta minima*) was not less than two sheep, and the highest (*maxima*) never exceeded thirty sheep and two oxen (according to *Niebuhr*, ii. p. 301., two sheep and thirty oxen). But after the passing of the *Lex Atheria* (300), which permitted the worth of the cattle to be converted into a money-payment (100 ases for an ox, and ten for a sheep, according to the *Lex Menenia*, 302), *mulcta* signified a pecuniary fine, and the fine might be carried as high as “*ter mille et viginti assium*,” three thousand and twenty ases; *Cic. de Leg.* iii. 3.; *Dion. Hal.* x. 50.

^a *Pœna*, Gr. *ποινή*, properly means penalty, atonement; hence the phrase *dare pœnas*, to give satisfaction, to suffer punishment; *sumere pœnas*, to exact atonement, to punish.

Talio (a punishment similar to the injury, an eye

for an eye, a limb for a limb,) belongs, in like manner, to the earliest period of Roman history, and occurs in the laws of the xii Tab. It naturally fell into disuse when the law permitted it to be dispensed with (*redimi*) for a pecuniary compensation; *Gell.* xx. 1. The emperor Trajan, however, ordered that the *Lex talionis* should be enforced in cases of calumny, *i. e.* the accuser suffered what the accused would have suffered if the charge had been proved to be true. Scourging with rods (*verberatio*) was very much in use till the passing of the Porcian law (454); from that time no citizen could be subjected to it^b, and it could only be inflicted upon him previous to capital punishment, when he had lost all his civil rights (*Suet. Nero*, 49.).

^b Acts xxii. 25.: — “Is it lawful to scourge a Roman citizen who has not been *heard* or condemned (*ἀκαδικήτον, indictâ causâ*)?”

Imprisonment (*vincula, custodia*) might be inflicted by a judicial magistrate; and in earlier times, the patricians could also inflict it (*custodia privata, vincula privata, carcer*) upon plebeian debtors. In after-times, a *proscriptio bonorum*, or attaching the effects of a debtor, exempted him from *private* imprisonment; the Pætelian law (429) having ordained that creditors should have a right to attach the goods and not the persons of their debtors: — *pecuniæ creditæ bona debitoris, non corpus obnoxium esse*; *Liv.* viii. 28. After this the *cessio bonorum*, introduced by Julius Cæsar, and not attended with the same degree of infamy as the *proscriptio*, exempted debtors also from the public prison. (*Spanheim's Orbis Romanus*, pp. 562, 563., 2d ed.) State criminals were confined in public prisons (*custodia publica*), and might be led out to punishment ten days after sentence was passed (*Tac. Ann.* iii. 51.). The strongest of these prisons^c was

the subterranean *Tullianum*, built by Ancus Martius, and enlarged by Servius Tullius; a particular section of it was termed *robur*, from its strength and security.

^c The oldest monument of Rome is the prison formed out of a quarry in the Capitoline hill, the work of Ancus. (*Nieb.* i. p. 303.) The Tarpeian rock was a precipitous part of the hill from whence criminals were thrown.

The punishment of death (*mors*) was carried into execution by decapitation (anciently with the axe, afterwards with the sword), by hanging (*suspendium*), by strangling (*laqueo gulam frangere*), by being thrown from the Tarpeian rock (*præcipitatio de saxo Tarpeio*). Crucifixion was confined to slaves in Rome, and to men of the lowest grade in the provinces; and, as it was a cruel and barbarous death, hence the cross itself is styled *arbor infelix*, *infame lignum*, *cruciatus servilis*. A person guilty of parricide was sewed up in a sack (*culeo insutus*), with a dog, a cock, a viper, and an ape^d, and then thrown into the sea, or a deep river. The infamy of capital punishments was increased by the exposure of the corpse on certain stairs (*scalæ gemoniæ*), by being thrown into the Tiber, or dragged about the city with hooks. (*Juvenal*, x. 66.)

^d *Cujus supplicio non debuit una parari
Simia nec serpens unus nec culeus unus.*

(*Juv.* viii. 214, 215.)

Under the emperors several new punishments were invented, as exposure to wild beasts (*damnatio ad bestias*), burning alive (*vivicomburium*), in which case the criminals were dressed in a tunic besmeared with pitch and other combustible matter (called *tunica molesta*). Sometimes persons were condemned to the mines, or to fight as gladiators (*damnati ad metalla, ad gladium*). By the *Lex Sempronia de capite civium* (about 628 A. U.), sentence could not be passed upon

a Roman citizen without the order of the people (*Cic. pro Rabir.* 4.). Punishment with *ignominia* deprived a citizen of his political rights (*caput deminuitur, diminutio capitis*), namely, *juris honorum et suffragii*; if it was inflicted upon one that was *nobilis*, he lost also the *jus imaginum*. To this mode of punishment also belongs the prohibition that any person should ever bear a name derived from a family that had been disgraced by punishment. (*Liv.* vi. 20. *Tac. Ann.* ii. 32.; iii. 17.)

“*Exilium*, as Cicero rightly observes (*pro Cæcina*, 34.), was not *banishment*, which was utterly unknown to the Roman law; it was nothing but the act whereby a man renounced the freedom of his own city^e by availing himself of the liberty which a person (bound by sureties to stand his trial before the people) had of withdrawing himself from the consequences of their verdict. If the accused staid till sentence was passed, he was condemned as a Roman, and sentence executed upon him wherever found. But if he exiled himself in time, and attached himself to a city that had a sworn treaty of isopolity with Rome, he was safe; they who settled in an unprivileged place, needed a decree of the people, declaring that their settlement should operate as a legal *exilium*.” (*Liv.* xxvi. 3. Niebuhr, ii. p. 63.) Exile was carried into effect by the *interdictio aquæ et ignis*, or a prohibition to furnish the exile with necessaries of life. In the time of the emperors, it was converted into a judicial punishment. Two new forms were introduced by Augustus,—*deportatio*^f, transportation to a certain place for life, with loss of property; and *relegatio*, a temporary or perpetual banishment, though the individual did not thereby forfeit his rights and fortunes.^g Persons were sometimes banished merely from Italy.

* It was a political maxim among the Romans, that no person could become a Roman citizen without relinquishing the right of citizenship in any other state or country: — “*Duarum civitatum civis esse nostro jure civili nemo potest* (Cic. pro Balbo, xi.); a custom which did not prevail in the Greek state. Hence the individual who took up his franchise in any other country renounced the rights of a Roman citizen. It was another maxim of the Romans, that no one could lose his rights of citizenship against his own will. (Cic. pro Domo.) A fiction was therefore resorted to in this case. The individual was not forcibly exiled; but his goods were confiscated, and a negative punishment was inflicted (*interdictio aquæ et ignis*), rendering it necessary for the individual to take up his residence elsewhere, and renounce his rights of citizenship by enrolling himself as the citizen of another state.

[†] *Hæc pœna civitatem et bona adimit, et testamenti factionem et reversionis spem.* (Ulpian in Digg. xlviii. 22. 7. 14.)

[‡] *Nec vitam, nec opes, nec jus mihi civis ademit.*

Ipse RELEGATI, non exulis, utitur in me

Nomine. ——— (Ov. Trist. v. 11. 15. 21.)

CHAPTER XXVII.

MILITARY AFFAIRS OF THE ROMANS.

MILITARY SUPERIORITY OF THE ROMANS. — GROUNDS OF EX-
EMPTION FROM SERVICE. — STANDING ARMIES. — MILITARY
TRIBUNES. — PROCESS OF ENLISTMENT. — SACRAMENTUM. —
MILITARY EXERCISES.

SINCE the Romans were distinguished as a military nation above all the nations of antiquity, owing, in fact, the rapid extension of their power and empire to an uninterrupted series of warlike undertakings, a more accurate knowledge of their antiquities, as connected with the art of war, will enable us to form a proper conception of the original rise of that power and empire. The army of Rome, in the days of her conquest, was perhaps the most perfect, certainly the most formidable, which the world had yet seen ; and the superiority which it ultimately obtained over the military force of every other nation to which it was opposed, seems to have been exclusively owing to the pre-eminent excellence of its discipline^a and organization.

^a “ Whenever the Romans believed themselves in danger, or wished to retrieve, it was their constant practice to draw tighter the bonds of military discipline. Had they to make war on the Latins — a people as warlike as themselves — Manlius sought to increase the strength of authority, and put his own son to death for having conquered without his order. Were they conquered at Numantia : Scipio deprived them of every indulgence that had a tendency to enervate them. (*Florus*, 57.) When the Roman legions had passed under the yoke in Numidia, Metellus retrieved the disgrace by making them resume their ancient institutions. Marius, in order to subdue the *Cimbri* and *Teutones*, commenced by turning rivers out of their courses ; and Sylla imposed such

heavy labours upon his soldiers (who were alarmed at the war against Mithridates), that they demanded battle as the end of all their troubles. (*Frontinus, Stratag.* i. 11. 20.) Publius Nasica, without necessity, made his soldiers construct a naval armament; for indolence was dreaded more than the enemy." (*Montesquieu*, p. 19, 20.)

"We see," says Vegetius, "that the Roman people subdued the whole world by nothing else except continual practice in the use of arms, by the discipline of the camp, and by experience in the art of war. For what could the fewness of the Romans have availed against the multitude of the Gauls? what could their shortness of stature have availed against the tallness of the Germans? It is clear that the Spaniards were superior to us not only in number, but in physical power. We were always unequal to the Africans in wealth and stratagems. No one ever doubted that the Greeks surpassed us in arts and scientific skill (*artibus prudentidque*). But, as a counterpoise against all these disadvantages, it was enough for us to select an intelligent youth; to teach him, if I may so express it, the law of arms (*jus armorum*); to strengthen him by daily exercise; to prepare him, by preliminary discipline (*campestri meditatione*), for whatever could occur in the field of battle; and to exercise a severe control over the indolent and careless. A thorough acquaintance with the art of war nourishes audacity in fighting. No man fears to do that which he is confident that he has learnt well. For in the day of battle a superior state of discipline enables handfuls of men to snatch the victory from masses apparently invincible and overwhelming." (*De Re Militari*, i. 1.; *Raphengii*, 1607.)

Concerning the earliest condition of the Roman army we have but scanty information; we know, however, that, even under the kings, the military spirit of the nation had begun to develop itself.^b The first begin-

nings were indeed crude ; all the undertakings against the neighbouring cities were merely transitory expeditions, in which the victory was carried off by personal bravery and not by tactical skill. The first remarkable military exploit was the ten years' siege and capture of Veii^c (358 A.U.). The science of war, properly so called, first developed itself during the wars with Pyrrhus in Lower Italy, with the Carthaginians and Sicilians in Sicily, until Marius perfected it, and Cæsar carried it to the highest pitch. Standing armies were unknown in Rome till the time of the emperors ; for every citizen of the five first classes of Tullus, from the age of seventeen to that of forty-five, was obliged to enrol himself as a soldier, and could only lay claim to the honours of office after a ten years' service.

^b *Exercitus dictus, quod exercitando fit melior.* (Varro, L. L. iv. 16.) "As Rome was engaged in war, uninterrupted and always violent, the Romans, in consequence, acquired a profound knowledge of the military art. In transitory wars, the greater part of examples are lost ; peace brings back other ideas, and we forget their faults and even their virtues." "We observe," continues the same writer, "that in modern times, our armies frequently perish through the immoderate labour of the soldiers ; whilst, on the other hand, it was by immense labour that the Roman armies were enabled to preserve themselves. The reason, I believe, is, that their fatigues were uninterrupted ; whilst, on the contrary, our soldiers pass from a state of extreme indolence to a state of extreme labour, than which nothing can be conceived more injurious to the constitution. Men, so hardy as the Roman soldiers, were ordinarily healthy. We do not remark in authors, that the Roman armies, which made war in so many climates, suffered much from sickness ; whilst, in our time, it almost happens continually that armies, without having combated, dissolve away, if we may so express it, in the course of a campaign." (*Montesquieu*, p. 11. 17. 20.)

^c About the time of the Veientine war (as the lands, especially of the poorer plebeians, when the campaign was too long, lay fallow, occasioning usury, complaints, and seditions), the senate decreed that, for the future, the infantry should have pay out of the public money ; and that, to furnish this expense, a new tax should be raised, from which no citizen whatever should be exempt. When the senate could now keep in the field an army as long as they pleased, they began to enlarge their ideas of conquest. (*Hooke's*

R. H. ii. 65. Niebuhr, however, controverts this statement (vol. ii. 438, 439.) "The capture of Veii," says Montesquieu, "was a species of revolution." (p. 15.)

There were, however, several grounds of exemption from military service (*vacationis militiæ* v. *a militid*), such as age (*ætas*), if above fifty; disease or infirmity (*morbis* v. *vitium*); office (*honor*)—being a magistrate or priest; favour or indulgence (*beneficium*) granted by the senate or people. Those were also exempted who had served out their time (*emeriti* v. *defuncti*, *qui stipendia expleviscent*). Yet in an unforeseen war, as a war in Italy or against the Gauls (which was called *tumultus*), there was a levy *en masse*; no regard was paid to exemptions (*delectus sine vacationibus habitus est*); and soldiers raised in these emergencies were called *subitarii* v. *tumultuarii*. Two flags were displayed from the capitol; the one red to summon the infantry (*ad evocandos milites*), and the other green to summon the cavalry. Slaves were punished that were found to have enrolled themselves amongst the recruits (*inter tirones*). The established period of service for the infantry was sixteen years (*senadena stipendia*), for the cavalry only ten (*dena*). Liv. xlii. 34., xxvii. 11. Polyb. vi. 17.

Those below the fifth class (*capite censi*, *proletarii*) were only called out to service in cases of great emergency. Marius was the first who formed his army out of them^d, and his example was imitated in the ensuing civil wars. By this the mode of levy was so thoroughly changed (*Val. Max.* ii. 3.; *Plutarch. Mar.* 9.), that the citizens became free from regular service, and were superseded by mercenaries. The latter, being habituated by their generals to extravagant pay and the distribution of lands for their services, soon permitted themselves the most unbridled usurpation of political power,

as was particularly the case with the Prætorian cohorts. The first foundation of a standing legionary army was laid by Cæsar in the Gallic wars. So long as a standing army was unknown to the Romans, and the citizens performed military service, the ordinary education of youth included all the preliminary exercises for this purpose, which were superintended by gymnastic masters (*campi doctores*), in the *Campus Martius*. Publius Rutilius (during his consulship, 648) was the first who introduced the custom of teaching soldiers the use of their weapons by masters (*doctores gladiatorum*) taken from the schools of the gladiators. (*Val. Max.* ii. 3. *Vegetius de Re Mil.* iii. 6.)

^a *Milites scribere*, says Sallust, *non more majorum neque classibus, sed uti cujusque libido erat, capite censos plerosque.* (*De Bello Jugurth.*) "When the legions passed the Alps and the sea, the soldiers, from their long residence in foreign countries, gradually lost the character of citizens. They then began to recognise themselves not as the soldiers of the Republic, but of their respective generals — of Sylla, of Marius, of Pompey, of Cæsar — upon whom they founded all their expectations. Rome could now no longer determine whether he who was at the head of an army in a province, was her general or her enemy." (*Montesquieu*, p. 83.) — Sylla, in his Asiatic expedition, ruined all military discipline: he accustomed his soldiers to plunder, and created wants in them which they had never hitherto experienced. He was the first who entered Rome at the head of his army, and taught Roman generals to violate the asylum of liberty. He established forty-seven legions in different parts of Italy, who, says Appian, regarded their fortune as attached to his life, watched for his security, and were always ready to succour or revenge. One may observe what happened after the death of Cæsar. (p. 94, 95.)

In raising troops to constitute the legions, the method adopted by the Romans was that which they denominated *election*; because the magistrate chose from the different tribes, the citizens whom they considered best for military service. The consuls, after they entered on their office, appointed a day (*diem edicebant* v. *indicebant*) on which all those who were of military age should be present in the capitol or the *Campus*

Martius. The number of legions commonly raised was four, and the first step consisted in the appointment of six tribunes to each legion, either by the people (*comitiati*), or the consuls (*rufuli*, Liv. vii. 5.). By the *Lex Atilia* (443) the people created four out of the six. The tribunes were originally three for each legion, then four, afterwards six. A candidate for this honour must have served ten years; five of the number, however, (*tribuni minores*) might have only served five years. The tribunes commanded the legion, each in his turn, during two months (*Polyb.* vi. 34.); and this continued to be the practice until the epoch of the civil wars, when, for reasons sufficiently obvious, the command was entrusted to a *legatus*, or lieutenant-general.^c

^c The command of the tribunes appears to have been limited to six months (*semestris tribunatus*); and as they had the privilege of wearing a gold ring, hence Juvenal, speaking of Paris, the pantomime, says, that through his interest he could confer the *aurum semestre* on poets, i. e. raise them to the rank of military tribunes: —

“*Semestri vatum digitos circumligat auro.*” (*Juv.* vii. 89.)

The conscripts being classed according to their tribes, the magistrates charged with the levies (*qui delectum habebant*) then elected four successively from each tribe. They were careful to choose those first who had lucky names (*bona nomina*), as *Valerius*, *Salvius*, *Statorius*, &c.; and every one was obliged to answer to his name (*respondere*, hence *dare nomina*, to enlist), under a severe penalty.^f Of every four thus cited by the magistrate, the tribunes of each legion chose (*legebant*) one, whose name was immediately inscribed (hence *scribere*, to levy or raise) in its muster-roll; and this operation, which established a perfect equality in the composition of the legions, was repeated until they had received the proper complement of men

The brave veterans, who had completed their military service (*stipendia emereri, Veterani*), frequently inscribed themselves as volunteers, serving as models and examples to the young legionaries; or, in cases of emergency, they were called out (*evocati*), and served in separate bodies under a particular standard (*sub vexillo*),—hence called *Vexillarii*.

^f Sometimes force was applied (*coercitio*), and the refractory (*qui detrectabant militiam*) were compelled to enlist (*sacramento adacti*) by fines or corporal punishment (*damno et virgis*). Sometimes they were cast into prison or sold as slaves. Many amputated their thumbs or fingers in order to incapacitate themselves for military service; hence *pollice trunci*, poltroons. On certain occasions recruiting officers (*conquisitores*) were despatched over the country to enlist soldiers; and the power, which they used in this case, was termed *coercitio* or *conquisitio* (Liv. xxi. 11., xxiii. 32.). The troops of the allies appear to have been enrolled (*scripti* v. *conscripti*) in a similar manner to those of the Romans. The consuls sent them a list, stating the number of troops to be furnished, and fixing also the time and the place where they were to assemble. (Liv. xxii. 57., xxxiv. 56.)

On the termination of the election, an oath (*sacramentum*) of unlimited obedience to the general, and never to desert the standard, was administered by the tribunes (*qui verba sacramenti præibant, rogabant milites sacramento*) to the legionaries (*qui in verba ejus jurabant*)—each saying as the tribune passed along: *Idem in me*. These recruits were termed *tirones*, and their first service *tirocinium*; hence *tiro*, a learner or novice; *ponere tirocinium*, to lay aside the character of a learner; and *dies tirocinii* is made use of by Suetonius (*Tib.* 54.) for the day on which a young man assumed the *toga virilis*. Besides the use of arms, of which we shall hereafter speak, the young soldier was regularly trained to the exercises of running, leaping, vaulting, wrestling, and swimming, armed as well as unarmed: he was required to perform long and frequent marches, at the rate of four miles an hour,

carrying a load of sixty pounds' weight : he was carefully instructed in the use of the tools necessary for throwing up all manner of field works, particularly fortifying the camp ; and even after he had been found qualified to join the legion, he was constantly employed, while in camp, either in the practice of these manly exercises, or in acquiring greater dexterity and precision in the use of his weapons. The Roman soldier knew no intervals of idleness, and was not allowed time to indulge in dissipation. The camp was his home ; war was his business ; its exercises constituted his amusement ; its success his glory. (*Encyclopædia Britannica*, art. ARMY.)[§]

§ " The loss of battles, the diminution of the people, the annihilation of commerce, the exhaustion of the public treasure, the insurrection of the neighbouring nations, might compel Carthage to accept the most humiliating conditions ; but Rome was a prodigy of constancy. After the battles of Ticinus, of Trebia, and Thrasimene, and after the still more fatal battle of Cannæ, when abandoned by almost all the people of Italy, she still demanded not peace. The Senate never departed from its ancient maxims : it treated with Hannibal as it had done, at another time, with Pyrrhus ; and refused to listen to any terms of accommodation as long as he remained in Italy." (*Dion. Hal. viii. Montesq. p. 31. 38.*)

CHAPTER XXVIII.

MILITARY AFFAIRS OF THE ROMANS.

DIVISION OF THE TROOPS. — MODE OF ELECTING CENTURIONS. —
 GRADATIONS IN THE ARMY. — AMOUNT OF THE LEGION AT
 VARIOUS PERIODS. — NAMES OF THE LEGIONS.

A ROMAN army consisted of infantry (*pedites*) and cavalry (*equites*). The infantry comprised different kinds of troops, classed according to their arms, their age, and their fortune. To the heavy-armed belong the *Hastati*, *Principes*, and *Triarii*. As the *Hastati* formed the first line of battle, only powerful and courageous men were elected to serve amongst them. Their principal arm of offence was the spear (*hasta*, hence their name), afterwards superseded by the *pilum*; and they had besides a large shield, a helmet, and a cuirass or breastplate. The *Principes* formed the second class; and by reason of their position before the *Triarii* (who were originally the only troops armed with the *pilum*), they were also called *Antepilani*.^a The *Triarii* (or *Pilani*, from their ancient weapon of offence) constituted the third section in the order of battle, and generally continued in a stooping posture (*subsdebant*), whilst the *hastati* and the *principes* were successively engaged; hence they were called *subsidiarii* (Liv. viii. 8.). These denominations, however, necessarily ceased, when the three lines adopted the same arms.

^a The *Antesignani* were those stationed before the standards: *ut pro signis antesignani, post signa alia pugnaret acies.* Liv. xii. 5.

Amongst the light-armed we may reckon the *Rorarii*, who commenced the fight, and the *Accensi*, who supplied their losses; also the *Ferentarii*. In the struggle against Capua, however, these were superseded by the *Velites*, a body of light troops established by the centurion Q. Nævius. Armed with a small shield, and several javelins about four feet in length, they fought either on foot or on horseback (*Liv.* xxvi. 4. *Val. Max.* ii. 3. 3.). They were stationed either in the intervals betwixt the maniples (*in viis*), or on the wings. But the reader must be careful not to confound these light troops, which always formed part of the legion, with the cohorts of archers (*sagittarii*) and slingers (*funditores*) attached to the armies in the time of Cæsar; since the latter were merely auxiliary troops (*auxilia*), and had nothing in common with the legion.



a, Triarius. b, Princeps. c, Hastatus. d, Velites. e, Funditores. f, Jaculatores

The cavalry formed a part of the legion. Its first institution was owing to Romulus, who formed a body-guard of 300 horsemen (called *Celeres*), from the Patrician families. They were abolished by Numa, introduced again by Tullus, increased to the number of 600, doubled by Tarquinius Priscus, and, under the last of the kings, amounted to 2400. Whether *all* of them originally, as a mark of distinction, received a horse from the state, as was the case afterwards, is

uncertain. From these proceeded the *Equites*, who were a particular object of attention to the state, and must be carefully distinguished from the cavalry proper, whose usual position was on the wings of the legion (hence denominated *Alæ*).^b The *Alarii* were the cavalry of the allies, from which again the *Extraordinarii* were selected for the service of the consuls. The legionary cavalry (*legionarii equites*)^c, composed of a body of 300 horse, was divided into ten *turmæ*, or troops of thirty horsemen each; while the *turma* was again subdivided into three *decuriæ* of ten cavaliers each.

^b The *Cornua* are the two extremities in the line of battle. Sometimes *cornu* includes the cavalry: *Thraces in dextrum cornu, Italicos equites, incurrerunt*, Liv. xlii. 59.



a, Tubicen. b, Cornicen. c, Equites Numidici. d, Standards (S.P.Q.R. i.e. Senatus Populusque Romanus).

^c *Consul Livium Salinatorem, qui præerat alariis equitibus, quam concitatissimos equos immittere jubet, et LEGIONARIOS equites in subsidiiis esse*, Liv. xxxv. 5. "The Carthaginian cavalry was superior to the Roman for two reasons: the one, because the Numidian and Spanish horses were better than those of Italy; and the other, because the Roman cavalry was badly armed; for it was only during the wars which the Romans carried on in Greece that they changed the method, as we learn from Polybius (vi. 25.). In the first Punic war, Regulus was conquered as soon as the Carthaginians chose the plains for their cavalry; and, in the second, Hannibal was indebted to the Numidians for his principal victories. Scipio, having conquered Spain, and having formed an alliance with Massinissa, took away that superiority from the Carthaginians. It was the Numidian cavalry which gained the battle of Zama, and terminated the war." *Monte-*

quieu, p. 34, 35. "The legion," says Guischart, "ought to be considered under two aspects. As infantry in battle against any other infantry, it had its particular arrangement by ranks and open files, conformably to its arms; and then it had nothing in common with the phalanx. When it was headed by cavalry, it ceased to have its particular arrangement." (*Mémoires Militaires*, tom. i. p. 84.) This wise distinction rendered the legion formidable alike to every nation on which Rome chose to make war, and enabled them to baffle the cavalry of the Parthians, though peculiarly formidable.

When the classification had been completed, the tribunes of each legion proceeded to the appointment of Centurions. They commenced by naming ten first (*priores*) centurions in each class, except that of the *Velites*; after which they nominated an equal number of second (*posteriores*) centurions. As the legionary infantry was divided into ten maniples of *hastati*, ten of *principes*, and ten of *triarii* (among which the *Velites* were equally distributed), they assigned a first and second centurion to each manipule; the first commanding the right, and the second the left of the manipule. The tribunes also named three decurions (*decuriones*) in each of the ten *turmæ* of horse; but the decurion first named had the sole command, and the two others were only his lieutenants. Thus a legion had sixty centurions or officers of infantry, thirty decurions or officers of cavalry, and six tribunes or officers of the staff, disposable for all kinds of service. The badge of a centurion was a vine-rod or sapling (*vitis*), with which he corrected the lazy or refractory^d: hence, *vite donari*, to be made a centurion; *vitem poscere*, to sue for the office.

^d *Nodosam post hæc frangebant vertice vitem,
Si lentus piger muniret castra dolabrâ,* (Juv. viii. 247, 248.)

in reference to Marius being a common soldier, and submitting (like the rest) to the centurion's breaking his wand over his head (or, as the satirist expresses it, "breaking the centurion's wand with his head"), if he was not sufficiently active in fortifying the camp: —

Latiam longo gerat ordine vitem, (Lucan, vi. 146.);

in reference to one *Scæva*, who was promoted to the office of centurion: — “He bears the badge of office along the extended line.”

Besides the distinction of first and second centurion, established with reference to the manipule, the centurions took precedence among themselves, according to the relative distribution of the classes to which they belonged. Thus, a centurion of the *principes* ranked above a centurion of the *hastati*, and a centurion of the *triarii* above a centurion of the *principes*. And the first centurion of each class, that is, the *primi hastati centurio*, the *primus princeps*, and the *Primipilus* or *centurio primi pili* (i. e. the *Triarii*), commanded the whole of his class, or one of the lines of battle of the legion.^c The *Primipilus* had the care of the standard (*præfuit Aquilæ*; hence *Aquila*, in Juv. xiv. 197., is taken for the said office); he commanded the whole legion in the absence of the tribunes, and when he retired from service he bore the title of *Primipilarius* or *-is*. The *primus pilus* (first century) must not be confounded with its leader *Primipilus*, (*Facciolati*). (Encyclopædia Brit.) Thus there was a large field of promotion in the Roman army, from a common soldier (*gregarius miles*) to a centurion, and from the lowest centurion of the tenth manipule of *hastati* (*decimus hastatus posterior*) to the *primipilus*.^f

^c This accounts for the high consideration that these three superior officers enjoyed among the Romans (“*ducere honestum ordinem*,” as Livy says of *Virginus*, iii. 44.): —

*Diræ Maurorum atlegias, castella Brigantum
Ut locupletem aquilam tibi sexagesimus annus*

Afferat.

(Juv. xiv. 196—198.)

Pull down the huts of the Mauritians (*mapalia*), and the castles of the Brigantes, that you may obtain the lucrative office (*locupletem aquilam*) of *primipilus* in your sixtieth year. The slowness of promotion is here hinted at.

The supreme commander (*dux*), in the earliest period, was the king, afterwards the consuls, prætors, or dictator, with *legati* under them, whose number was fixed by the senate: the *Tribuni militum*, two of whom had the command of the legion for two months, each in his turn, on alternate days. (*Liv.* xl. 41.) The supernumerary tribunes (*Tribuni vacantes*) belong to the time of the emperors, as well as the *Vicarii* (deputies), *Cornicularii*, and *Apparitores* of the tribunes. (*Frontin.* iii. 14.) The *Præfectus legionis*, in the time of the emperors, was the deputy of the *Legatus*. The centurion selected his *urāgi* or *optiones* or *subcenturiones* (i. e. his deputies), as well as the standard-bearers (*signiferi*), generally distinguished for their vigour and daring. The establishment and fortification of the camp were superintended by the *præfectus castrorum* or *præfectus campi*. The commander of the horse (*magister equitum*), if a dictator was appointed, was nominated either by him or by the senate and people; but the dictator could remove him at discretion. Under the emperors, the *prefecti pratorio* had the supreme command over the imperial army; but they were deprived of their military power by Constantine. This emperor appointed two generals over the whole army (*magistri militiæ*); one commanded the infantry, and the other the cavalry. Theodosius the Great appointed eight *magistri militiæ*; five for the East, and three for the West; having the *Comites*, *Duces rei militaris*, as inferior officers under them.

The term *legio* (*legere*) was originally applied to the 3000 foot (1000 from each of the three tribes) and the 300 horse (100 from each) raised by Romulus; hence one of the thousand (which each tribe furnished) was called *Miles* (*unus ex mille*, Isidor. ix. 3.). In later times, it was a division or *corps d'armée*, varying in strength at different periods, but usually comprising ten cohorts (*cohortes*), each cohort three maniples (*manipuli*), each manipule two centuries (*centuriæ*), and each century ten decuries (*decuriæ*). In the time of Polybius, the legion was composed of 1200 *hastati*, 1200 *principes*, 1200 *velites*, 600 *triarii*, and 300 cavalry or knights; thus making its total strength 4500 men. During Cæsar's wars with the Gauls, a legion consisted of 5000 foot; and under Augustus, of 6100 foot and 726 horse.

From the time of Augustus, the first cohort was double the strength of the rest, and contained ten

centuries; the rest only five (fifty-five centuries in all). The due proportion of cavalry to each legion was called *justus equitatus*. In addition to the legionary soldiers (*legionarii milites*) of a Roman army, there were the troops of the auxiliaries and allies, usually stationed on the extremities of the line (*cornua*), or the wings (*alæ*); hence *cohortes alares* v. *alarie*, Liv. x. 40. 43.; *alarii* v. *alarii equites*, Liv. xxxi. 21. The commander of a wing was termed *præfectus alæ*. A consular army (of two legions, consisting in Roman troops of 6000 legionaries of the line, 2400 *Velites*, and 600 *Equites*) would contain, in social troops, 6700 infantry of the wings, 800 cavalry of the wings, 400 extraordinary cavalry, and 1700 extraordinary infantry (*i. e.* 9000 Roman troops, 9600 social, or 18,600 in all), *Polyb.* vi. 24. When the legion contained 4200 men, and the cohort 420, the cohort was called *quadrigenaria*; *quingenaria*, *sexcenaria*, &c. if the legion was stronger.

When Rome had a difficult war to carry on, two consular armies were raised, and both the consuls took the field; and when urgent circumstances required it, the consular armies were doubled and united to contend with a formidable enemy. Thus the Romans assembled at Cannæ four consular armies, or nearly 80,000 men, to try the fortune of arms against Hannibal; and, in the heat of the second Punic war, they assembled as many as twenty-three legions, or considerably more than 100,000 men. "Armies were then multiplied by reason of the great number of legions; the two consuls chose those which suited them, and the command of the others was entrusted to prætors, proconsuls, and proprætors." (*Rogniat, Considérations sur l'Art de la Guerre*, p. 29, 30. *Encyc. Brit. ut supra.*) In the time of Tiberius there were twenty-five legions

(*Tac. Annal.* iv. 5.).^g For the sake of distinction, different names were given them, either from the countries where they were stationed (*legio Gallica, Scythica, Parthica, &c.*), or from certain Deities (*Minervia, &c.*), or from their founders (*Augusta, Claudia, Flavia, Trajana*), or from some particular event or circumstance (*Fulminatrix, Victrix*). After the division of the Empire, there were seventy legions in the East and sixty-two in the West.^h

^g "The *Vexillarii*, attached to each legion" (*vexilla legionum*), says Brotier, "consisted of recruits (*tirones*) as well as veterans." The majority of them would probably be *light-armed troops*, and they would frequently be sent out as *detachments* to act, on particular occasions, apart from their respective legions. The same critic estimates the number of *Vexillarii*, in the reign of Tiberius, at 30,000, and the legionary forces at 170,650 (*ad Tac. Ann.* iv. c. 5.). See note in Major's Adam, p. 534.

^h It is worthy of remark, that, during the long series of civil wars under the Empire, those who had the legions of Europe almost always vanquished those who had the legions of Asia. Vespasian, though proclaimed by the armies of Syria, did not make war upon Vitellius except with the legions of Moesia, Pannonia, and Dacia; and we find in the history of Severus, that he was unable to take the city of Atrá in Arabia, because, the legions of Europe having mutinied, he was obliged to employ those of Syria. (*Montesquieu*, p. 149.)

CHAPTER XXIX.

MILITARY AFFAIRS OF THE ROMANS.

DEFENSIVE ARMOUR — SCUTUM, GALEA, THORAX, ETC. — ARMS OF
OFFENCE — GLADIUS, FILUM, ETC. — CAVALRY. — MILITARY DRESS.
— STANDARDS.

THE armour (*arma, tegumenta corporis*) of the Roman infantry consisted of the demicylindrical buckler or shield, the cuirass or pectoral, the casque or helmet, and the *ocrea* or greave. The round buckler (*clypeus*)^a was superseded by the demicylindrical or oblong (*scutum*) during the siege of Veii, in the time of Camillus (348); at this period, too, the troops became stipendiary on the state^b, and the mode of drawing up in phalanx (like the Macedonians) was superseded by that of drawing up in maniples (*manipulatum structa acies cœpit esse*), Liv. viii. 8.

^a *Scutis continebantur imagines, unde et nomen habuere clypeorum* (Plin. xxxv. 3.); thus deriving it from γλύφειν, to engrave. *Inter reliquos honores decretus est ei clypeus aureus, i. e. clypeata imago.* (Suet. Cal. 16.) For the *scutum* and *clypeus*, see fig. p. 223.

^b So says Livy. Compare Niebuhr, ii. 438.—“We ought to remark, that that which contributed the most to render the Romans masters of the world, is their having successively combated against all nations, and having renounced their own usages as soon as they could substitute better. Thus, upon their union with the Sabines, Romulus adopted their large buckler in the place of the small one hitherto in use. (*Plutarch, Life of Romulus.*) They blunted the long Gallic swords by presenting their javelins to receive the stroke: the elephants of Pyrrhus surprised them but once. From him, too, they learned the art of pitching and fortifying a camp. They supplied the deficiency of their cavalry by taking the bridles off their horses in order to increase their impetuosity; and afterwards by mixing among them the *Velles* — the youngest and most

active of the legion — who, at the slightest signal, fought either on foot or on horseback. (*Val. Max.* ii. 3.) When they became acquainted with the Spanish sword, they quitted their own. They neutralised the skill of pilots by the invention of a machine which Polybius has described for us (see p. 257.). They adopted whatever was advantageous amongst other nations: they had Numidian horses, Cretan archers, Balearic slingers, Rhodian vessels." *Montesquieu*, p. 6. 22, 23.

The oblong shield (*scutum*), four feet in length, by two feet and a half in breadth, and constructed in the form of a tile, was composed of two or three pieces of timber, fashioned and secured together in the manner of staves, covered with leather, strengthened at each extremity by a band of iron, and provided in the middle with an *umbo* or boss of metal, for the purpose of turning aside the missiles and pikes of the enemy. The casque, helmet, or head-piece (*galea*)^c of brass or iron, was variously formed, but generally fitted with projections at the base for protecting the neck and shoulders, and attached under the chin by *mentonnières* covered with scales of brass. In later times the helmets were superseded, in some measure, by the Pannonian caps (*pilei Pannonici*, *Veget.* i. 20.).

^c *Galea*, a helmet of leather; *Cassis*, a helmet of brass or iron. *Germanorum viri uni alterive cassis, aut galea.* (*Tac. G.* 6.) Both were adorned with a crest (*crista*). *Cassis de lamina est; galea de corio*, *Isid. Or.* 18. 14. The *æneæ galeæ, cælatæ opere Corinthio* (*Cic. Verr.* iv. 44.) must be understood of helmets strengthened or ornamented with brass; and from the confounding of the two helmets by a poet,

(*Seu caput abdiderat cristatâ casside pennis*
In galeâ formosus erat, *Ov. Met.* viii. 25.)

it does not follow that the two terms signified one and the same thing. *Ramshorn*, 244.

The cuirass or pectoral (*thorax* v. *pectorale*) was a hollow plate of brass about a foot square, adapted to the form of the chest, and fastened with thongs of leather protected by metallic scales. But the centurions and foremost legionaries rendered themselves still more

impenetrable to the steel of the enemy by using chain-armour (*lorica*) covered with brass scales (*squamata*, *squamea*), or iron rings twisted within one another like chains (*hamis conserta*). The helmets and breast-armour fell into disuse after the time of Gratian (A. D. 367), who abolished them. Lastly, the *ocrea*^d, or greave, was a species of boot, fortified with iron, and worn on the right leg, which the soldiers were taught to advance when they engaged in close combat with the sword (*Veget.* ii. 15, 16). Such was the defensive armour (*ARMA ad tegendum*) of the Romans.

^d The Romans anciently wore it on both legs; the Sabines on the left.

Their offensive arms (*TELA ad petendum*) were the javelin, the *pilum* or heavy dart, the pike, and the sword. The sword called Spanish (*gladius Hispaniensis*) was common to all the infantry of the legion. It had a short broad blade of excellent temper, which served either to cut or thrust (*punctim* v. *cæsim ferire*), and was introduced, according to an unknown writer quoted by Suidas, in the time of Hannibal.^e It was worn on the right thigh; the Romans invariably gave the point, and derided the practice of those who depended on the cut (*cæsim pugnantes*) rather than the thrust. The javelin or spear (*hasta*, afterwards *lancea*) belonged exclusively to the light infantry or *Velites*, who had seven of these weapons in the day of battle. It was a species of dart, with a round shaft about three feet in length and an inch in diameter, shod at one extremity with iron, about four inches in length, tapering to a very sharp point; it was also furnished with a thong (*amentum*, *ansa*, *nodus*, hence *hastæ ansatæ*). The buckler (*parma*) was attached to the left arm: the light troops were also provided with bows and arrows and slings.

* *Disparēs ac dissimiles gladii: Gallis prælongi ac sine mucronibus: Hispano, punctim magis quam cæsim assueti petere hostem, brevitatē habiles et cum mucronibus.* (Liv. xxii. 46. 5.) Josephus says that, in his time, the Romans had two swords, — one of considerable length, which hung at the left side; and another about a foot long, which they carried on the right thigh; in other words, a sword and a dirk, like the Scottish Highlanders. The Roman custom of invariably giving the point is still reckoned “sound doctrine of fence.” *Puncta, duas uncias adacta, mortalis est. Deinde dum cæsa inferitur* (when we give the cut), *brachium dextrum latusque nudatur. Puncta autem tecto corpore inferitur* (we give the point without exposing ourselves to our adversary), *et adversarium sauciat ante quam videatur.* (Veg. de Re Mil. i. 12.)

The *pilum* was a weapon peculiar to the Romans. The *pilum*, including both wood and iron, was about 6½ or 7 feet in length, pointed with a three-square head of steel; and its shaft was of such a thickness as to be easily *grasped by the hand*[†] (χειροπληθής, *Dion. Hal.*, παλαιστιαῖος, *Polyb.*). Near to the point was placed a hook or barb, serving to retain the weapon wherever it penetrated. The soldiers had two of these weapons, and under the emperors five smaller ones in addition. The pike of the *Triarii*, a weapon equally adapted for attack or defence, was longer, less thick, and consequently more manageable than the *pilum*. These *troupes d'élite*, therefore, may be considered as the pikemen of the legion; although instances are to be found where they abandoned the pike, and had recourse to the sword, which was always the weapon in which the Romans placed the greatest confidence. Our description, it may be proper to add, principally applies to the legion as constituted in the time of Polybius; all the troops of the line were at length armed in precisely the same manner — with the Spanish sword and *pilum*. (*Encyc. Brit., art. ARMY.*)

[†] “This seems to be the meaning of the Greek word παλαιστιαῖος; for, taking it in its ordinary acceptation, the shaft of the *pilum* would have been four inches in diameter; a size which, con-

sidering the length of the weapon, and the weight of its iron, would have rendered it an impracticable arm. Polybius compares this formidable arm of offence to a boar-spear. For a particular description of the use of the *pilum* in commencing the attack, see Caesar's *Commentaries de Bello Civili*, iii. 92." (Encyc. Brit.)

The horse had very nearly the same armour as the foot, and they were latterly provided with offensive arms similar to those used by the cavalry of the Greeks. The Roman cavalry was generally composed of a superior description of men, denominated knights; but they seldom mustered in sufficient force to produce great results, and their organisation appears to have been defective.^s It is evident that a man placed on the back of a horse without a saddle (they had nothing but a covering of cloth, *stragula vestis*, called *ephippia*) or stirrups (*stapiae* v. *stapedae*, as they were afterwards called)^h to serve as a *fulcrum* for reaction, can never exert half his force, nor combine it with the *momentum* acquired from the velocity and weight of his horse. They frequently dismounted to take a more decisive part in the engagement. (*Enc. Brit. ut supra.*) Horsemen armed *cap-à-piè* were called *Loricati* or *Cataphracti* (cuirassiers).¹

^s "We have already observed that, amongst the Romans, the legions of Europe were superior to those of Asia (see p. 229.): it was quite the reverse with the cavalry; we mean that of the Parthians, Osroenians, and Saracens. It is this which arrested the conquests of the Romans; because, from the time of Antiochus, a new Tartar people (whose cavalry was the best in the world) descended from the lofty table-land of Central Asia. This cavalry was heavy-armed (*Zosimus*, lib. i.), whilst the armour of the European was light; at the present day it is quite the reverse." (*Montesquieu*, p. 211.)

^h

Corpora saltu

Subjiciunt in equos.

Virg. *Æn.* xii. 288.

¹ Amongst the weapons of offence we may also mention the *Gæsum*; the *Verutum*, a javelin for the *Vellætes*; the *actis* or *teres*, a short javelin borrowed from the Germans; the *contus*, a long javelin or lance for the cavalry. Slings (*librilia*) came in use among the Romans at a late period. (See *fig.* p. 223.) The *Balistarii* and *Tragularii* superintended engines for the discharge of missiles.

The clothing of the Roman soldiers consisted of a mantle or cloak (*sagum*, *sagulum*, *sagulum gregale*), over which the sword was fastened with a girdle or belt (*cingulum*). If there was a war in Italy or an invasion of the Gauls (*tumultus*)^k, all the citizens put on the *sagum*; hence, *est in sagis civitas*, the citizens have risen *en masse*, Cic. Phil. viii. 11. The custom of wearing another cloak (*lacerna*) over it during winter, belongs to a later period. The cloak of the general was either purple or white, and was called *paludamentum* (hence *paludati duces*, Juv. vi. 399.). *Chlamys* was the name of a travelling dress (*vestis viatoria*); hence *chlamydatus*, a traveller or foreigner. The soldiers wore also an under-covering of cloth (similar to the highland kilt), sandals, and in later times *Caligæ*, set with nails; hence Seneca speaks of Marius as *à caligâ ad consulatum perductus*, promoted to the consulship from being a common soldier (*gregarius v. manipularis miles*), or, as we should say, from the ranks.

^k *Rem administrandam arbitror sine ullâ morâ et confestim gerendam; tumultum decerni, justitium edici, saga sumi dico oportere, delectum haberi, sublati vacationibus in urbe et in Italiâ, præter Galliam, totâ.* Cic. Phil. 5. 12. *Justitium indici*, that a cessation of all judicial business be proclaimed (see p. 50.); *sublati vacationibus*, without admitting the usual grounds of exemption. (See p. 217.)

The arms as well as clothing were supplied by the state; for which, as also for their provisions or rations (*dimensum*), a part of their pay (*stipendium*) was deducted. The greater arms in particular were kept (during times of peace, and also when permanent camps were formed) in magazines (*armamentaria*) superintended by the *armorum custodes* (Liv. ii. 45.; Tac. Hist. i. 38.); but in every camp (even upon march), they were protected against the weather by cases, and

collected into piles or stands. In later times we meet with manufactories or forges for the making of arms: *fabricæ scutarie et armorum* (shield and armour forges), *fabricæ hastarie, clibanarie*, Veget. ii. 11.

The oldest of the military standards (*signa militaria*) appears to have been the *Manipulus*¹ (a bundle of hay on the top of a pole); hence, the *manipule* or small section of the army to which it was attached. It was afterwards superseded by a spear (*hasta*) adorned on the top with images of the gods (hence, *numina legionum*) and the figure of a hand. A silver eagle (*aquila*) with expanded wings on the top of a spear was the common standard of the legion, at least after the time of Marius, for before that the figures of other animals were used, as *Lupus*, *Minotaurus*, *Equus*, *Aper*. The eagle was sometimes gilt, and usually held a thunderbolt in its talons. (*Cic. Cat. i. 9. Dio. xl. 18.*) The *Aquila* was considered sacred, and was always gallantly defended. Till the time of Marius it was under the charge of the *Centurio* of the *Triarii*, and borne before this line by the *Aquilifer*; but afterward it was stationed in the first line. Under the emperor Aurelian, the *draco* was introduced as a standard, borne by the *draconarius*.

1

*Pertica suspensos portabat longa maniplos
Unde manipularis nomina miles habet.*

(Ov. Fast. iii. 117.)

According to Vegetius, *Contubernium autem manipulus vocabatur, ab eo quod conjunctis manibus pariter dimicabat. De Re Mil. ii. 13. fin.*

The *Labarum* (a military standard, and held in great reverence from the time of Constantine the Great) has given rise to many conjectures with respect to the meaning of the term. The *Vexillum*, a square flag or banner (fixed on the end of a spear), was the standard of the cavalry, and the veterans, and was hoisted in the

general's tent as the signal for decamping — sometimes also as a signal for attack. The cohorts, as well as the maniples, had their particular ensigns; and these ensigns, by their inscriptions as well as a difference in their figures, prevented the soldiers from straggling from their comrades in the tumult of battle. *Veget. R. M.* ii. 13. (See *fig.* p. 224.) Sections of the army, as well as their movements, are frequently connected with the word *signa*: thus, *signa efferre*, to go out of the camp; *signa inferre*, to advance; *signa conferre*, to engage; *signis infestis ire*, to march against the enemy: *Reliqua signa in subsidio artius collocat*, he places the rest of the troops as a body of reserve in closer order. *Sall. Cat.* 59. So long as there were no standing armies, the standards were kept in the public treasury (*ærarium*).^m

^m The Romans only made use of wind instruments in the army; the *Tuba* (straight, like our trumpets) for the infantry, and the *Lituus* or the clarion (curved) for the cavalry, — (see *fig.* p. 224.)

Multos castra fuvant, et lituo tubæ

Permistus sonitus;

(*Hor. Od.* i. 23, 24.)

the *Cornu* or horn, and the *Buccina*, generally made use of when the watches were changed; hence, *ad tertiam buccinam*, for the “third watch.” All these instruments were of brass; hence the blowers were named *Æneatores*. *Suet. Jul.* 92.

CHAPTER XXX.

MILITARY AFFAIRS OF THE ROMANS.

CONSTRUCTION OF THE ROMAN CAMP — PRÆTORIUM, QUÆSTORIUM.
— CONTUBERNIUM. — WATCHES.

IN the field it was customary to establish not only summer and winter camps (*castra æstiva et hiberna*), when an army remained for a considerable time in the same place, but even for a single night (*mansio*), or for more nights (*castra stativa*). The Romans never gave battle without having previously fortified a camp to which they might retreat. Persons were always sent before, when the army was on march, to choose and mark out a proper place for that purpose (*castra metari*); hence, *alteris castris v. secundis* is put for *altero die*; *tertiis castris, quintis castris, &c.* (*Tac. Hist.* iii. 15., iv. 71.), like *σταθμός* (a stage, a day's march) among the Greeks. If the camp was established and fortified without any interruption from the enemy, it was called *castra legitima v. justa*, in opposition to those which were formed under the pressure and annoyance of the enemy (*castra tumultuaria, tumultuaria castella*, *Veget.* iii. 8.; *tumultuarium opus*, *Liv.* xlii. 63.). The place for encamping was selected by a tribune (accompanied by centurions), with great attention to the nature of the surrounding country (*Polyb.* vi. 7.). The Roman camp was generally of a square form (*quadrata*), surrounded with a rampart

(*vallum, Agger*), protected by stakes (*sudes, Valli, pali*), as well as a broad ditch (*fossa*).

The first place in the camp was that of the general's tent (*Prætorium, Augurale*, because the auspices were taken there), after which the other sections were portioned off for different bodies of men; so that the camp was intersected by intervals or streets (*viæ*), termed *quintanæ* because five maniples were stationed on each side. The camp had four gates, one on each side. The principal gate was the *Porta Prætoria* v. *extraordinaria*, next the enemy; on the opposite side (*ab tergo castrorum*), was the *porta decumana* v. *Quæstoria*: the two others were called *porta principalis dextra*, and *porta principalis sinistra*. On one side of the *Prætorium* were the tents of the lieutenant-generals, and on the other that of the Quæstor (*Quæstorium*), near to which was the *Forum* (or *Quintana*), where things were sold and meetings held. The camp was divided into two halves (*pars superior, pars inferior*); and within the rampart a vacant space (about 200 feet in breadth) was left round it, in order to protect the legions from any fire or missiles during a nocturnal attack of the enemy. It was also convenient for the soldiers to march in and out, as well as a secure place for the depositing of booty.

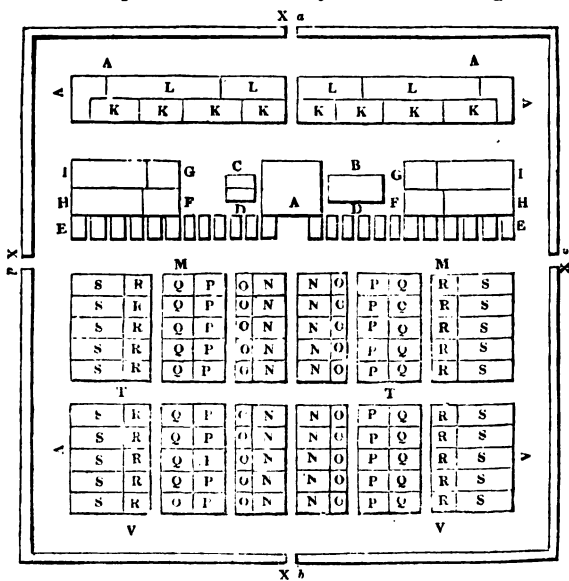
A company of ten soldiers (*contubernales, contubernium*), superintended by their corporal (*decanus, caput contubernii*), occupied each tent. The tent in the *castra æstiva* was covered or rather formed with skins extended by ropes (*tentorium*), and in the *castra hiberna* was a species of hut (*hibernacula, hiemare*, Liv. v. 2.). The lower part of the camp was separated from the upper by a broad open space called *Principia*. Here the tribunal of the general was erected, and justice was administered by the general and superior officers (*jura*

reddebant); for a law was introduced by Camillus, during the siege of Veii, that no soldier should be impleaded without the camp.

— *Miles ne vallum litiget extra*
Et procul a signis.

Juv. xvi. 16.

Here also stood the altars, images of the emperors, and the standards at which (*ad v. apud signa*) the soldiers deposited their money as in a sacred place.



praetorium. B, Quaestorium. C, Legati duo. D, Tribuni. E, Praefecti
 ociorum. F, Evocati equites. G, Ablecti equites. H, Evocati pedites.
 I, Ablecti pedites. K, Extraordinarii equites. L, Extraordinarii pedites.
 M, Principia. N, Equites Romani. O, Triarii Legg. P, Principes Legg.
 Q, Hastati Legg. R, Equites sociorum. S, Pedites sociorum. T, Quintana.
 V, Spatium ad vallum. Xa, Porta Praetoria. Xb, Porta Decumana. Xc,
 Porta Principalis dextra. Xd, Porta Principalis sinistra.

* Sometimes in winter too: — *Cæsar castra ad flumen Apsum ponit, ibique sub pellibus hiemare constituit.* Cæsar. C. iii. 13. The first winter camp was established at the siege of Veii.

When the general thought proper to decamp (*move castra*) he gave the signal for collecting the

baggage (*conclamare vasa*), whereupon all took down their tents (*tabernacula detendebant*); upon the next signal they put their baggage on the beasts of burthen, and upon the third signal began to march.^b In the pitching of the camp and during the encampment, different divisions of the army were appointed to perform different services (*ministeria, munia*); hence they were termed *munifices*. Those who were exempted by law or by custom, as the *Equites, evocati*, were called *immunes* (i. e. *operum militarium*); and those who obtained it by favour (*beneficio*) of the commander, *beneficiarii*. In the neighbourhood of the enemy, the *procubitores* (*Vigiliæ*, Festus s. h. v.), similar to the *Velites*, kept guard (*agebant excubias, v. stationes et vigilias*) without the camp during the night.

^b First marched the *extraordinarii* and the allies of the right wing; then the legions; and last of all, the allies of the left wing, with a party of horse in the rear (*ad agmen cogendum*, i. e. *colli-gendum*, to prevent straggling), and sometimes on the flanks, in such order that line of battle might easily be formed in case of attack.

For the sake of security, square tablets (*tesserae, libelli*) were distributed to the *Vigiles*, inscribed with a watch-word (*symbolum*) by which they might distinguish friends from foes. A frequent watch-word of Marius was *Lar Deus*; of Sulla, *Apollo Delphicus*; of Cæsar, *Venus Genitrix*; of Brutus, *Libertas*. Because the guards often fell asleep, leaning on their shields, they were ordered (A. U. 585) for the future to go upon guard without a shield (*Liv. xlv. 33.*). Certain persons were every night appointed to go round (*circumire v. obire*) and examine the watches.^c On march every soldier must carry a certain number of palisades (*valli*), in addition to his arms and provisions (*cibaria*) for fifteen days, with utensils; and under this load they marched upwards of twenty miles in a day. The

heavier baggage was put upon waggons (*impedimenta*); in battle the soldiers collected their knapsacks (*sarcinæ*) in a heap.

^c This duty appears to have been performed originally by the knights and tribunes, — on extraordinary occasions by the legates and the general. (*Suet. Jug. 45.*) *Excubiæ* denotes watching by day as well as by night; *vigiliæ* only by night. Keeping watch before the gates was properly *stationes*; on the walls, *custodiæ*; though *statio* is used for any post. It is frequently opposed to *vigiliæ*. (*Liv. 9. 24, 25.*) The terms are used for the guards or pickets themselves. Whoever deserted his post was punished with death.

We must not forget the *speculatores*, who were sent out to reconnoitre the enemy. As part and parcel of an army, we must also mention the forgers of arms (*fabri lignarii, fabri ferrarii*); miners (*cunicularii*); builders of bridges by means of leathern bags (*utricularii*); commissaries of the stores (*frumentarii*); messengers (*tabellarii*); persons who measured out the camp (*mensores*); baggage-slaves (*calones*); sutlers (*lixæ*), who followed the camp for gain; augurs, and physicians. The winter quarters of the Romans were strongly fortified, and furnished, particularly under the emperors, with every accommodation like a city, as magazines for arms (*armaria*), workshops (*fabricæ*), an infirmary (*valetudinarium*), &c. The exercises (hence *exercitus*) of the camp consisted in leaping, swimming, walking, and running completely armed (*decursio*); vaulting upon horses of wood (*salitio*); throwing the javelin, and aiming thrusts at the wooden figure of a man (*exercitia ad palum* v. *palaria*.^d) *Juv. vi. 261.* as at a real enemy.

^d *Aspice quo fremitu monstratos perferat ictus.*

Fremitu, the violent expiration in making a thrust — *monstratos*, learnt from the fencing-master (*omnes implet numeros*, l. 249.).

CHAPTER XXXI.

MILITARY AFFAIRS OF THE ROMANS.

ORDER OF BATTLE. — QUINCUNX, OR CHEQUER ORDER. — PRELIMINARIES TO AN ENGAGEMENT. — THE BATTLE. — VARIOUS MODES OF DRAWING UP TROOPS.

THE Roman generals, even in the time of the consuls, do not appear to have followed any particular order of battle, but to have changed it according to circumstances, or the nature of the enemy they had to contend with. This is evinced by the various dispositions which were made at the battles of Tunis, of Cannæ, of Zama, and many others that might be mentioned. But still the chequer order or *quincunx* was that most frequently employed in the earlier times of the republic. Leaving the *Velites* or light troops out of view, as constituting no part of the main battle, the reader will observe that the maniples of the first line (*in primâ acie* v. *principiis*), or the *hastati*, were formed upon a front varying according to the depth, which was generally ten, but not unfrequently six; and that the space between each manipule (*intervallum*) was exactly equal to its front. Thus, supposing the legion 5000 strong, a manipule of 140 men would be ranged ten deep upon a front of fourteen; and as each soldier occupied three feet, the extent of front presented by a manipule would accordingly be fourteen yards.^a

^a The ranks of the manipule being also drawn up at the distance of three feet from one another, the whole space occupied by

the Roman soldier was consequently nine square feet of ground. We may observe, however, that the second rank of the manipule was so disposed as to cover the intervals of the first, the third to cover those of the second, the fourth to cover those of the third, and so on to the last; the *quincunx* or chequer order being adopted in the internal arrangement of *each* manipule, in the same manner as in the disposition of the *whole* of the manipules relative to each other. (*Encyc. Brit. ut supra.*)

Since the first line (*hastati*) therefore consisted of ten manipules (i. e. 1400 men in a legion of 5000, or 140×10), it contained of course nine intervals (*intervalla*) of fourteen yards each — each intervening space, as has been stated, being equal to the front of the manipule, or the space occupied by fourteen men. Exactly opposite to these *intervalla* [*viæ* or vacancies], but at some distance in the rear, were stationed nine of the ten manipules of the second line (*Principes*), drawn up in the same manner as those of the first, upon fronts of equal extent; the tenth manipule of the latter outflanking, by the whole length of its front, the right or left wing, as it might be, of the first line. The *triarii*, of less depth than the *hastati* and *principes*, but for the most part in continuous formation, occupied the third line.^b See *fig.* p. 245.

^b In such a disposition as this, the extent of the first line (*hastati*) would be equal to 266 yards, i. e. 10 manipules upon a front of $14 = 140$ yards, and 9 *intervalla* of 14 yards each, = 126 yards (and $140 + 126 = 266$ yards). The same would be the case with the second line (*principes*); there would be no difference in its extent; only, for the sake of covering the nine *intervalla* of the first, it would outflank its right or left wing by the front of *one* manipule (or fourteen men). Supposing the third line to be in continuous formation, and equal in extent to the other lines (266 yards), the *triarii* (consisting of 800 men) would then be ranged 3 deep ($800 \div 3 = 266$ yards). The depth, however, of this line would vary according as it might or might not be of the same extent as the other lines, or as it might or might not be separated by *intervalla*.

Now it must be obvious at the first glance, that this order of battle presented several important advantages.

By advancing the maniples of the *principes* through the above-mentioned intervals, until they dressed with those of the *hastati*, line was at once formed. Again, by moving them fourteen yards to the right or the left, the depth of the formation was doubled; while by placing the maniples of the *triarii* exactly behind those of the *principes* (as was done when the legions were threatened by elephants), the whole was formed into columns separated by intervals equal to their respective fronts, through which these animals, pursued and goaded by the *Velites*, might be driven to the rear without doing any mischief. Lastly, if it was desired to form the legion in three continuous lines, this was instantly effected by simply closing up the intervals between the maniples of the first and second lines; the *triarii* or reserve (*subsidia*) being, as we have already said, drawn up in a continuous formation, except when it became necessary to open a passage for elephants. All these various evolutions were performed with a rapidity and precision seldom equalled by the troops of any other nation.*

b



a, Cavalry. b, Velites. c, Hastati. d, Principes. e, Triarii. f, General and Staff. Another legion, drawn up in the same manner (flanked with cavalry), must be imagined on the right.

* As long as the Romans continued faithful to the precepts of the ancient masters, their infantry maintained its superiority; and in proportion as these were departed from, it declined. The gradual declension and ultimate fall of this infantry was occasioned by the decay of discipline alone. Under Vespasian, and Titus, and Trajan, and Hadrian, and Aurelian, and other warlike em-

perors, the Roman infantry proved itself as formidable as it had ever been in the best times of the republic." (*Encyc. Brit.*)

When a general, after having consulted the auspices, had determined to lead forth his troops against the enemy, a red flag (*verillum*) was displayed on the top of the *Prætorium*. Then having called an assembly by the sound of a trumpet (*classico*, i. e. *tubâ concione advocatâ*), he harangued the soldiers, who usually signified their assent by shouts, by raising their right hands, or by beating on the shields with their spears. After the harangue all the trumpets sounded (*signa caneant*); and at the same time the soldiers called out *To arms* (*ad arma conclamatum est*). If the standards, which stood fixed in the ground, were pulled up (*convellebantur*) with ease, it was considered a good omen; hence, *Aquile prodire nolentes*, the eagles unwilling to move (*Flor.* ii. 6.). The watchword was given (*signum datum est*) either *viva voce* or by means of a *tessera*; and in the mean time many of the soldiers made a verbal testament whilst preparing for battle (*in procinctu*).^d

^d So Quid calls his verses *in procinctu carmina facta*, which he wrote at *Tomi*, where he was in continual danger of an attack from the *Getae*. (*Pont.* i. 8. 10.) What soldiers got by their military services was termed *peculium castrense*. This they could dispose of by will, during the lives of their fathers; as it was not looked upon as a part of their private fortune (*in corpore censûs*, *Juv.* xvi. 51.).

When the army was advanced near the enemy (*intra teli conjectum*), the general rode round the ranks exhorting them to behave courageously, and then gave the signal to engage.^e Upon this all the trumpets sounded, and the soldiers rushed forward to the charge (*procurrebant cum signis v. pilis infestis*) with a great shout, which they raised to animate one another and intimidate the enemy. Hence, *primus clamor atque*

impetus rem decrevit (Liv. xxiv. 21. 41.), when the matter was decided at the first onset. The *Velites* now began to harass the enemy with their javelins and other missiles before the action became general. As the hostile lines approached, these light troops retired through the intervals (*per intervalla ordinum*), or by the flanks, where they generally took their station. Now the legionaries began the combat by launching the *pila*, which, from their weight and the temper of their steel points, frequently penetrated both buckler and cuirass, so as to inflict the most hideous and desperate wounds. The first ranks of the enemy were generally overthrown by this volley of heavy darts (for a particular description of the use of the *pilum* in commencing the attack, see *Cæs. Comm. de Bell. Civ.* iii. 92.); if not, the legionaries drew their swords (called *spathæ* in the time of Vegetius. See *Tac. Ann.* xii. 35.). Hence the proverb employed to describe the proximity of two armies: *Ad pila et spathas ventum est*, Veget.

* *Cæsari omnia uno tempore agenda; vexillum proponendum, quod erat insigne, quum ad arma concurrere oporteret* (see p. 237.), *signum tubæ dandum — acies instruenda, milites cohortandi, signum dandum.* (Cæs. B. G. ii. 20.) The *signum tubæ dandum* refers to the *concio*.

If the *hastati* could not sustain the onset of the enemy, they retired slowly (*presso pede*) into the *intervalla* of the *Principes*, who renewed the combat. If the *Principes* were obliged to retire, the *Triarii* rose up (*consurgebant*), for hitherto they had continued in a stooping posture; hence, *ad triarios ventum est*, it is come to the last push (Liv. viii. 8. 10.). This veteran reserve of the legion often awaited *de pied ferme* the shock of cavalry as well as infantry; and Livy assures us that they seldom or never quitted their pikes in battle. The combat was now carried on by

the *hastati*, *principes*, and *triarii*, with closed ranks (*compressis ordinibus*), in one compact body (*uno continente agmine*). "Thus the enemy must have had the strength and resolution to overcome them in three several encounters for the decision of one battle; whereas most other nations, and even the Grecians themselves, drawing up their whole army as it were in one front [the Macedonian phalanx was sixteen deep]¹, trusted themselves and their fortunes to a single charge." (*Hooke's Rom. Hist.* ii. p. 217.)

¹ 1024 files (λόχοι) $\times 16 = 16,384$, the strength of the Macedonian phalanx. "Polybius, with his ordinary good sense, compares the order of battle adopted by the Romans with that of the Macedonians, which was adopted by all the kings, successors of Alexander. He points out the respective advantages and disadvantages of the legion and the phalanx. He gives the preference to the Roman order; and the testimony of history is undoubtedly in his favour." (*Montesquieu*, p. 48.) "The attack of the legion was impetuous and formidable; but, if that failed, it then displayed its most characteristic excellence, by fighting in retreat. At the battle where Flaminius defeated Philip in Thessaly [at *Cynoscephalæ*, 197 B. C.], the Macedonian phalanx gained considerable ground on the legions; but the Romans, although forced to give way, preserved their order — returned repeatedly to the charge — and even while in the act of retiring, extended their line so as to gain the flank of the Greeks. This decided the fate of the battle."

The Romans varied the line of battle by advancing particular parts. They usually engaged with a straight front (*æquatis frontibus, rectâ fronte*), and then the line was termed *acies directa*. When the wings (*cornua*) were advanced before the centre, it was termed *acies sinuata*; or the contrary, it was called *acies gibbera* v. *flexa*, which Hannibal used in the battle of Cannæ (*Liv.* xxii. 47.). ² *Orbis* was a hollow quadrangle or square adopted when they were surrounded by the enemy (*Liv.* iv. 39.; *Cæs. de Bello Gall.* v. 33.); hence *orbes facere* v. *volvère*, *in orbem se tutari* v. *conglobare*. *Cuneus* was either a solid square (*phalanx*),

or a body of men formed into the figure of a wedge (*v. trigonum*, a triangle, Δ), called *caput porcinum* by the soldiers. In that case, if the enemy had time before they were penetrated and broken, they would receive the cuneus in the form of a *forceps* or tongs (V).

* *Acies* is not only used for a line of battle (*aciem instruere, explicare, extenuare*), but also for the battle itself: *Commissam aciem secutus est tremor*. Flor. ii 6.



Testudo. See note h.

The *testudo militaris*^h was a solid square, covered by the shields of the soldiers, and particularly made use of in attacking the walls of besieged cities. A line of battle was called *acies* (hence, *aciem instruere, æquare, exornare, explicare*; *erigere*, to march in line of battle up the hill, *Tac. Agric.* § 18.); a double line, *acies duplex*, &c. When the army advanced or retreated in separate parties, it was called *Serra*. If the day was lost, a retreat was sounded (*receptui cœsinerunt*); if they gained a victory, they saluted their general with the title of *Imperator*.¹

^h *Quadrato agmine facto, scutis super capita densatis, stantibus*

primis, secundis submissionibus, tertiis magis et quartis, postremis etiam genu nisis, fastigiatam, sicut tecta ædificiorum sunt, testudinem faciebant. Liv. xliv. 9., vi. 1. The term *testudo* is also applied to the protecting roof under which the besiegers worked the battering ram. The *testudo*, of which we have given a representation, was adopted in presence of a superior force. The description of Livy applies to sieges.

ⁱ Under the emperors, who were the only actual *imperatores*, the title became a mere title of honour, and was therefore enjoyed by many at the same time: *Tiberius id quoque Blasso tribuit, ut imperator a legionibus salutaretur*, Tac. iii. 74.

CHAPTER XXXII.

MILITARY AFFAIRS OF THE ROMANS.

LEGIONS DRAWN UP BY COHORTS.—LEGIO QUADRATA.—QUADRATUM AGMEN.—MACHINES USED IN SIEGES.—ROMAN SHIPS OF WAR.—PARTS OF A SHIP.—RIGGING AND TACKLING.

AN important, we might almost say a radical, change in the organisation of the legion, commonly ascribed to Marius, appears to have commenced at the epoch of the wars against Jugurtha. The legions then ceased to be ranged in lines of *hastati*, *principes*, and *triarii*; for the last order of battle, according to the ancient formation, of which historians give any account, is that of Metellus against Jugurtha, as described by Sallust. From this period we always find the legions ranged by cohorts^a, without distinction of classes, in a double or triple line; for all the troops of the line were now armed in the same manner. The legionary infantry was now raised to 6000 men. A new order of battle was also adopted; the legions being commonly drawn up in two lines of five cohorts each, leaving small intervals between each cohort. But Cæsar, considering these *lacunæ* dangerous, placed four cohorts of each legion in the first, three in the second, and three in the third; at the same time preferring a continuous *alignement*.

The *legio quadrata* was the order adopted by all skilful generals when in presence of an enemy. Each manipule of the legion formed only a single rank in its order of

battle; consequently the two classes of *hastati* and *principes*, ranged each upon its first manipule as a front, formed two lines ten deep. Each line occupied a front of 120 yards (supposing 120 men to the manipule), and the two lines were separated by an interval of about sixty yards (equal to half the extent of the front). At an equal distance in the rear of the *principes*, the *triarii* formed the third line. The whole ranged in this manner constituted a square order as deep as it was broad, while the *turmæ* of the cavalry covered the flanks of the lines. But the different legions were ranged *en échelon* with respect to one another, each legionary line thus making one of the sections of the column, while the *Velites* covered the flanks.

In this order of march, if the enemy threatened an attack on the front, each legion in succession formed line with that at the head of the column; the second almost in an instant, the third somewhat later, &c.; but the whole line was formed in about seven minutes. But the order of battle on the flank was of still more rapid formation. For, the baggage withdrawing from between the sections of the column, and assembling on the side opposite the enemy, each legion executed what is technically called a *quart de conversion* on its *hastati*, and the whole army immediately found itself in order of battle—two minutes being sufficient for the purpose. It seems evident, then, that the celebrated *quadratum agmen* of the Romans, which has hitherto been so often treated of and so little understood, consisted of a certain number of *legiones quadratæ* disposed *en échelon* (or at least *in column*), as we have just described.^b The Roman historians have severely censured the generals who neglected to adopt it in presence of the enemy. The *Agmen longum* stands in contradistinction to the *Agmen quadratum*.

^a According as the legion varied from 5000 to 6000 men, the cohort (being the tenth part of the legion) contained from 500 to 600. (See p. 228.) The *cohors prætoria*, or body-guard of the general, usually consisted of four *turme* (160 horsemen) and two cohorts (672) infantry.

^b *Encyc. Brit. ut suprà.* "The Romans, in the early period of their history, did not introduce into their armies a greater number of auxiliary troops than of Roman; and, although their allies were properly subjects, they did not wish to have for subjects people more warlike than themselves. But, in the latter period of the empire, they not only did not observe this proportion of auxiliary troops, but filled the armies with barbarian soldiers. — The Romans, too, lost their military discipline; they abandoned even their peculiar arms. Vegetius (i. 30.) tells us that the soldiers, finding them too heavy, obtained leave of the Emperor Gratian to dispense with their cuirasses, and afterwards with their helmets. He adds, that they lost the custom of fortifying their camp; and that, through this negligence, their armies were destroyed by the cavalry of the barbarians. Amongst the early Romans, the cavalry formed but an eleventh part of the legion, and frequently less; but during their decline, the cavalry was enormously increased. It appears to me, that the more a nation is skilled in the art of war, the more it acts by its infantry; and, the less it knows of it, the more it multiplies its cavalry." — (*Montesquieu*, p. 174—177.)

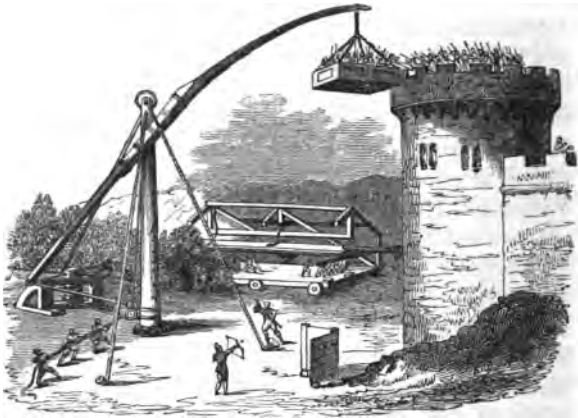
Machines, which appear to have been introduced at a later period, were particularly used in the besieging of towns. The siege commenced with throwing up two lines of fortifications or entrenchments (*circumvallare*), strengthened with a parapet and battlements, (*lorica et pinnae*), and flanked with towers at proper distances. Hence the army was said *urbem obsidione claudere* v. *cingere*. Showers of darts and stones were discharged by means of engines (*tormenta*), called *Catapultæ*, *Balistæ*, *scorpiones*; whilst burning fire-brands were slung by the *Libratores*. At the siege of Syracuse, Marcellus employed an enormous engine mounted on eight galleys, called *sambuca*. These machines or engines were frequently worked on moveable towers (*turres mobiles* v. *ambulatoriæ*), which were pushed forward (*admovebantur* v. *adigebantur*) on wheels; and this afforded employment to the enemy

whilst the besiegers were working their mines (*cuniculos agebant*) and making the approaches.*

* The *testudo* (described in the note, p. 249.), or solid square, was particularly used in sieges. The clearest information on these subjects may be derived from reading the descriptions of the most celebrated sieges recorded by historians. Amongst these we would particularly mention the siege of Syracuse, by Marcellus (*Liv.* xxiv. 33.); of Ambracia, by Fulvius (*Id.* xxxviii. 4.); of Alesia, by Cæsar (*B. G.* vii. 68. *sqq.*); and of Marseilles, by his generals (*Cæs. B. C.* i. 34. *sqq.*); and of Jerusalem, by Titus Vespasian (*Joseph. de Bello Jud.*). When a city was solemnly destroyed, the plough was drawn along where the walls had stood —

———— *Imprimeretque muris*
Hostile aratrum exercitus insolens.
(*Hor. i. Od.* 16. 20, 21.)

The most powerful engine of attack was the battering ram (*Aries*), a beam from 100 to 120 feet in length, armed at one end with iron, suspended by the middle with ropes or chains, and worked by relays of men (about 100 each). The ram was protected by



The Tolleno.

sheds or mantlets (*vineæ*). The *tolleno* was a machine employed for raising a few soldiers above the enemy's

walls, to ascertain what was going on within them, and sometimes for taking possession of them, and thus facilitating the escalade.

To these we may add the *falces, terebræ, corvi, grues, Testudines, Plutei, Musculus*—machines intended either for active attack or to protect the besiegers. In the mean time the enemy endeavoured to destroy the works of the besiegers by fire; to meet their mines by counter-mines; and, when apprehensive of a breach, they reared new walls behind. When the Romans were on the point of carrying a place, they used solemnly (*certo carmine*) to call out of it (*evocare*) the Gods; hence the Romans kept secret^d their tutelary God and the Latin name of the city.

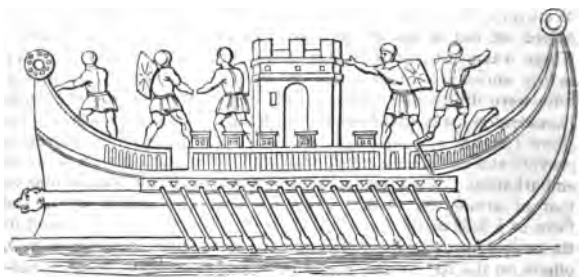
^d *Plin.* iii. 5. *Macrobius*, iii. 9. “Now, in the sanctuary of Vesta was preserved the *Palladium* (*fatale pignus imperii Romani*, *Liv.* xxvi. 27.). May we not then suppose Pallas or Minerva to have been the true tutelary deity of Rome, and the real or Latin name of the city to have been *Pallantium*?” *Anthon. art. ROMA.*

The formation of a naval force commenced with the first Punic war, although the Romans had already carried on a maritime trade under the kings, and might be in possession of ships, resembling the Tuscan in their mode of building. For the first naval war, the larger ships were built with five banks of oars (*Polyb.* i. 20.); but the full development of the naval power of the Romans was prevented by the custom of breaking up the fleet at the termination of every enterprise.^e “As to what Polybius says of the loss the Romans would have been at to build a fleet (in the first Punic war) if they had not seized a stranded Carthaginian vessel, he can only mean that, if this accident had not occurred, they would either have had no *good* model of a ship of war, or no model at all of a *Quinquireme*. For he tells us, in the very same part of his

history, that some of the vessels in which they transported their troops the first time to Messana were *triremes* (and these were ships of war) borrowed from their neighbours the Tarentines." (*Hooke's Roman History*, ii. 465.)

* This short account of "naval matters" is attached to the present chapter for the sake of connection.

A fleet which was equipped at the expense of the rich^f, and strengthened by the contingents of the allies (*Liv.* xxiv. 11.), consisted, in addition to transport-vessels (*naves onerariæ*), and those contrived for lightness and expedition (*naves actuariæ, speculatoriæ, celeres, Liburnæ*), of ships with three and five banks of oars (*triremes, quinquiremes*), which were the proper ships of war (*longæ naves*). The fleet was manned only with citizens of the lowest class, with *libertini*, *socii*, and state-prisoners. Towers were also erected on the ships (*propugnacula*), from which stones and other missiles were discharged by means of *balistæ*, &c.; and hence ships of this kind were termed *puppæ turritæ* (*Virg. Æn.* viii. 693., where those of Antony are compared to floating islands, *revulsæ Cyclades*).



^f "Each head of a family (in the Sicilian expedition during the second Punic war, A. U. 539), who, by the Censor's register, was found worth from 50,000 to 100,000 ases, was obliged to

maintain a rower or a sailor at his own expense for six months; the more wealthy, three, five, or seven, in proportion to their wealth; whilst the Senators were obliged each to maintain eight sailors for a whole year: — *qui supra decies scriis, septem; senatores octo nautas cum stipendio darent.*" (Liv. xxiv. 11.)

The Romans, in order to compensate for their want of skill in manœuvring their vessels, endeavoured to grapple the vessels of the enemy by means of certain machines (*corvi, ferreæ manus*), in order that they might fight hand to hand, and avail themselves of their superior personal prowess. Besides endeavouring to disable the ships of the enemy by sweeping off (*detergendo*) the oars, and striking them with their beaks (*rostra*), they threw firebrands (*stuppea flamma, &c.*). The fighting portion of the crew — the marines (*classarii — Epibatae, classici milites*), were armed like the soldiers.⁸ Under Augustus, four permanent fleets were established. One was stationed on the Tuscan sea at Misenum, another on the Hadriatic at Ravenna, and the remaining two in other parts of the Empire. (*Tac. Hist.* i. 58., ii. 83., iv. 79.) The harbours were usually furnished with watchtowers (*pharos, pl. i*) and lights.

- ⁸ The sailors (*socii navales*) were selected from the lowest class of citizens, from emancipated slaves, and maritime cities. Before a fleet set out to sea, it was solemnly reviewed, like an army. There was great labour in launching the vessels (*deducendo*); for as the ancients seldom sailed in winter, their ships during that time were drawn up (*subductæ*) on land. The signal to embark (*conscendere*) was given with a trumpet. When they reached the shore (*terram appulerant*), and landed the troops (*exposuerant*), prayers and sacrifices were offered up, as they had been previous to embarkation. The arrangement of fleets for battle was similar to that of armies on land. They were usually drawn up in the form of a half moon (*acies lunata*). Certain ships were placed in the centre (*media acies*), others on the right wing (*dextrum cornu*), others on the left; whilst some were stationed as a reserve (*subsidio, naves subsidiarias*). The admiral's ship bore a red flag (*vevillum v. velum purpureum*). "In the naval engagement with the Carthaginians (A. U. 498), the Roman admirals (L. Manlius and M. Atilius Regulus) drew up the fleet in the form of a triangle, with a line of reserve in the rear, manned by *Triarii*; whilst

the transports were stationed between this line and the basis of the triangle. Hamilcar, the Carthaginian admiral, feigning to fly, detached the two sides of the triangle in pursuit. He then turned upon them; but the Romans, after a severe contest, captured sixty-four ships, whilst thirty were run aground." (*Bötticher's Geschichte der Carthager*, p.192.)

Each ship had a name peculiar to itself (*insigne parasemon*) inscribed on its prow (for instance, *Pristis*, *Scylla*, *Charybdis*), as its tutelary God (*tutela*) was on its stern. The chief parts and appendages of a ship were the keel or bottom (*carina*), the prow or forepart (*prora*), the hold (*alveus*), the bilge (*sentina*), where the water, which leaked into the ship, remained till it was pumped out (*per antliam exhauriretur*). On the stern was the rudder (*gubernaculum* v. *clavus*); in the middle of the ship was the mast (*Malus*), to which were attached the sail-yards (*Antennæ* v. *brachia*), and the sails (*vela*) fastened by ropes (*funes* v. *rudentes*). The ends of the sail-yards were termed *cornua*, from which were suspended two ropes or braces (*pedes*), by which the sails might be turned to the right or the left; hence, *facere pedem*, to trim the sails; *currere utroque pede*, to sail with the wind right astern; *obliquat lævo pede carbasa*, he turns the sails so as to catch the wind blowing from the right. (*Lucan.* v. 428.) So also, *vela facere*, to make way; *intendere brachia velis*, to haul out the sails to the yard-arms (i. e. *vela brachiis*); *subducere vela*, to lower the sails; *remigio veloque*, by might and main ("oar and sail"), *Plaut. Asin.* i. 3.5. The rigging and tackling of a vessel, its sails, sail-yards, oars, ropes, &c. were called *Armamenta*. Ships of war were armed with beaks (*rostratæ*); as the beaks were generally covered with brass, hence termed *æratæ*.^h

^h Amongst the various kinds of ships we may mention the *Actuaria*, low-built, but very manageable vessels, with sails and

oars; the *naves longæ* (men of war) and *onerariæ* (transports) have been already mentioned; the *speculatoriæ*, *catascopia*, were ships of observation; the *Liburnæ* were swift sailing vessels, deriving their names from the Liburnians, on the coast of Illyria, as the inventors; the *Aphractus* was a Rhodian vessel, without deck. The *dicrōtum* and *dicrōta* (from *δῖς-κρῶειν*, *pulsare*) is equivalent to the Latin *biremis*: "*Ego, proficiens Athenis, ῥόπакτα Rhodiorum, et dicrōta Mytelenæorum habebam.*" (Cic. Att. v. 11. 4.) The *scapha* was the long boat attached to a vessel for any emergency. Vessels for the transporting of horses were called *Hippagōgi*.

The anchor (*anchora*), which moored a vessel (*fundabat* v. *alligabat*), was at first of wood, afterwards of iron; the plummet was called *Bolis* or *Molybdis*; and the ropes which tied the vessel to land, *retinacula*; hence, *oram solvere*, to set sail. There was a dock-yard (*navalia*) at Rome beyond the Tiber. When a vessel was riding at anchor, it was said *ad anchoram* v. *in anchorâ stare*. The admiral was termed *dux præfectusque classis* (his vessel, *navis prætoria*); the commanders of each ship, *Navarchi*; and the master of a trading vessel, *Nauclerus*. There were three different classes of rowers (*remiges*); those who sat in the highest part of the ship (*Thranitæ*), those in the middle (*Zeugitæ*, or *Zeugioi*), and those in the lowest (*Thalamitæ*, or *-ioi*). The openings in the vessel for the oars were called *foramina*; and the benches on which the rowers sat, *sedilia* v. *transtra*. The planks (*tabulata*) on which the mariners passed from one part of the ship to another were termed *fori*, gangways. He who marked the time for the rowers, and animated them with his voice (*celeusma*), was called *Hortator* and *Pausarius*. Vessels of six or seven banks of oars were called by the Greek name *Hexêres*, *Heptêres*; Livy mentions one impelled by sixteen banks of oars (*quam sexdecim versus remorum agebant*), xlv. 34.¹

¹ The names of the principal winds were the *Aquilo* v. *Boreas*, the north wind; *Zephyrus* v. *Favonius*, the west wind; *Auster* v.

Notus, the south wind; *Eurus*, the east wind; *Caurus*, *Corus* v. *Iapyx* (from *Iapygia*, in Lower Italy, which lay in the line of its direction), the north-west wind; *Africus* v. *Libs*, the south-west wind; *Voltumnus*, the south-east wind. The ancients only observed four winds, termed *cardinales venti*, since they blew from the four principal points of the heavens. The points of the compass were afterwards increased to eight, and then to twelve.

CHAPTER XXXIII.

MILITARY AFFAIRS OF THE ROMANS.

MILITARY REWARDS AND PUNISHMENTS. — TRIUMPHUS, OVATIO. —
DISCHARGE FROM SERVICE.

THE punishments and rewards adopted in the army were very diversified and varied at different periods. The generals took cognizance of offences, and from their decision there was no appeal. Amongst the milder punishments may be reckoned a pecuniary fine (*pecuniaria mulcta*); a forfeit or pledge (*pignoris captio, censio hastaria*); deprivation of pay (*dirutus ære miles*); removal from the camp to some place without it (*distincti milites*); an allowance of barley (*hordeo pasci*) instead of wheat; degradation of rank (*gradûs dejectio*), or removal into an inferior corps or less honourable service (*mutatio militiæ*); an imposition of labour (*munerum indictio*); a dishonourable discharge (*ignominiosa missio*). Sometimes a whole legion was deprived of its name, as that called *Augusta* (Dio, liv. 11.). The severer punishments were beating with rods (*cædi virgis*), and, in heavy offences, with sticks (*fustibus percuti* v. *cædi*—*Fustuarium*, the bastinado, a capital punishment). To these we may add, overwhelming with stones (*lapidibus coöperiri*) and hurdles (*sub crate percuti*); also beheading (*securi percuti*). If a number had been guilty of the same crime, as in case of mutiny, every tenth, twentieth, or one hundredth soldier was selected for punishment (*decimatio, vicesi-*

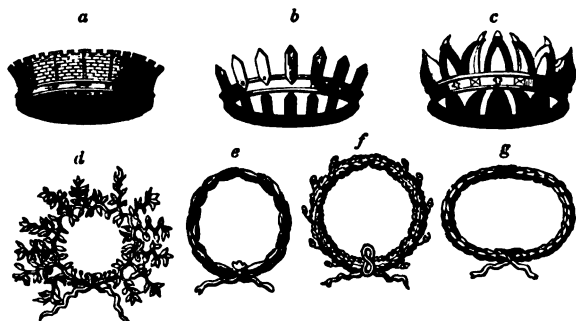
matio, centesimatio); this was particularly the case from the period of the civil wars. (*Lex Petreia*, 668.)

* According to the Roman laws, soldiers could not be put to the torture unless they were deserters to the enemy (*transfugæ*): *Is qui ad hostes transfugit et rediit, torquebitur ad bestiasque, vel in furcam damnabitur; quamvis milites nihil eorum patiantur*; Leg. iii. § 10. D. *de re militari*. Again, *Exauctorati torquentur, nam pro hoste non milite habentur*; Leg. vii. D.

In addition to the regular pay (*stipendium*), deserving soldiers received particular rewards and distinctions, varying, however, at different periods, according to the character of the times. The smaller rewards were of various kinds, as a spear without any iron (*hasta pura*, i. e. *sine ferro*, Suet. Claud. 28.); ornaments for the arms (*armillæ*); a lance or spear with a streamer appended to it (*vexillum*); chains composed of rings (*catellæ* v. *catenulæ*); twisted chains worn round the neck (*torques*); the *phalæra* (for men and horses), hung down on the breast: — “*læti phaleris omnes et torquibus omnes*.” (Juv. xvi. 60.) Sometimes soldiers received a double share of corn (*duplex frumentum*, hence called *Duplicarii*, Liv. ii. 59.), or double pay (*duplex stipendium*), for their bravery.

The highest reward was the civic crown (*Corona civica*), made of oak leaves (hence, *Quercus civilis*, Virg. *Æn.* vi. 773.), and conferred on him who had saved the life of a citizen (bearing the inscription *ob civem servatum* v. *-es, -tos*). The person who received it wore it at the spectacles, and sat next the senate. When he entered, the audience rose up as a mark of respect (*ineunti etiam ab senatu assurgebatur*), Plin. xxi. 4. The *Corona muralis* was bestowed on him who first scaled the walls of a city; the *corona val-laris* v. *castrensis* on him who first mounted the rampart or entered the camp of the enemy; the *corona navalis* v. *classica* v. *rostrata* was given for naval exploits, to Agrippa after defeating Sextus Pompeius in a sea-

fight near Sicily, and to M. Varro in the war against the pirates by Pompey. The *corona obsidionalis*, made of grass (*graminea*), was given by soldiers to the general who had released them from a blockade.



a, Corona Muralis. b, Vallaris. c, Navalis. d, Obsidionalis. e, Triumphalis. f, Civica. g, Ovalis.

Golden crowns (*aureæ coronæ*) were sometimes given to persons who had distinguished themselves in an extraordinary manner, with permission to wear them on public occasions. The *Lex Ampli Labiena* (663) allowed Pompey to wear a golden crown and his triumphal robes at the Circensian games; and in the theatre the *prætecta* and a golden crown. (*Paterc.* ii. 40.) Arms taken from the enemy (*spolia v. exuviae*) were hung up in the house of the victor. Those which a Roman general took from a general of the enemy whom he had slain in single combat, were termed *Spolia opima*. The first were obtained by Romulus (*Liv.* i. 10.) — the second by A. Cornelius Cossus (A. U. 318, *Liv.* iv. 20.)—and the third by M. Claudius Marcellus (A. U. 530, *Liv. Epit.* 20.) From the period of the civil wars, portions of land were distributed to the soldiers in Italy.^b

^b Rewards were extended and heightened in value under the emperors. If the veterans were *peregrini*, they received the right

of citizenship and other privileges. Presents in money were made to them on various occasions, as of a triumph, ascending the throne, assuming the *toga virilis*: — *Virilis toga Neroni maturata* (he assumed it before the usual time). — *Additum nomine ejus donativum militi, congiarium plebi*, Tac. xii. 41. The *congiarium* was a certain measure (*congius*) or quantity of oil, wine, corn, &c. bestowed as a largess upon the people. Constantine permitted soldiers to apply themselves to trade and other lucrative employments; he exempted them from civil burthens, and mitigated their punishment in case of offences. Soldiers could not be compelled to be witnesses, as it would be necessary in that case to leave the camp (see p. 240.); and their own officers administered speedy and expeditious justice: —

“ *Justissima centurionum*
Cognitio est igitur de milite.” Juv. xvi. 17, 18.

The honours of a general were the title *Imperator*, which the army gave to him, and the people confirmed; and thanksgivings (*supplicationes, gratulationes*) decreed by the senate to be celebrated for several days in honour of the Gods for a signal victory. The highest military honour, however, was a triumph or solemn procession, in which a victorious general and his army marched through the city to the Capitol. The custom is supposed to have been derived from Etruria. (*Flor. i. 5. Müller, Etrusker, i. 371. sq., ii. p. 197. sqq.*) Since the passing of the Porcian law (*lex Porcia triumphalis*, or *lex Maria Porcia*, 691), the conditions under which it could be granted were as follows: — that the general should inform the senate of the victory, by letters wreathed with laurel (*laureatæ literæ*); that he should appear at the head of his army before Rome (*ad urbem esse*), for no person invested with military command (*imperium*) could enter the city; that he should be able to prove to the senate assembled in the temple of Bellona without the city (*senatus datus imperatori*), that he had conducted himself (*suis suspiciis*, see p. 171.) a legitimate war with a foreign enemy (*justum et hostile bellum*), that he had enlarged the limits of the Empire, and that he had at least slain 5000 of the enemy in

fair and open fight. If the triumph was granted, the general might enter into the city *cum imperio* (*imperator lege solvebatur*). A triumph, on these conditions, was called *justus* — “*justo domitos triumpho*.” (Hor. Od. xii. 54.)

The triumphal procession, commencing from the *Campus Martius*, proceeded along the *via Triumphalis*, then through the *Circus Flaminius* to the *Porta Triumphalis*. Thence it advanced through the most public places of the city to the Capitol, where the general offered a sacrifice to *Jupiter Capitolinus*. The procession was headed by a choir of musicians adorned with belts and head-bands; one of whom, clad in a long purple robe (with bracelets and chains round his neck), exhibited many laughable gestures as if in derision of the enemy. Then followed a long train of persons carrying perfumes (*suffimenta*). The victims, which were intended for sacrifice, also moved in the procession. The spoils and booty taken from the enemy were also exhibited — statues, armour, gold in coin (*aurum signatum*), and gold in works of art, in equipments, banners, &c. (*aurum rude*), along with the captives themselves, the representations of cities, battles; hence, painters were in requisition to furnish the necessary ornaments of a triumph. So Tacitus, speaking of the triumph of Germanicus; “*Vecta spolia, captivi, simulacra montium, fluminum, præliorum*.” (Ann. ii. 41.)^c To these succeeded the *Triumphator* himself, clad in a purple *toga* embroidered with gold (*toga picta*) and a variegated tunic (*tunica palmata*), wearing a crown of laurel on his head. He bore in his left hand an ivory sceptre with an eagle at the top, and was seated in a triumphal chariot adorned with gold and ivory, and drawn by four white horses. From his breast was suspended a

golden amulet (*aurea bulla*), as a magical preservation against envy.

^c *Sed loca, sed gentes formata mille figuris Nutrissent carmen*, says Ovid (*Pont.* iii. 4. 25.), when regretting his absence from Rome on the occasion of a triumph, during his exile at Tomos, on the Euxine sea.

The procession was closed by the army of the *Triumphator*, who sung their own and their general's praises, and were permitted to throw out raileries against him.^d (*Liv.* xxviii. 9., *Hor. Ep.* i. 1. 59.), often exclaiming *Io triumphe*, in which all the citizens joined.^e It may be remarked as somewhat peculiar, that the robes (*toga picta*, and *tunica palmata*), as well as the sceptre and golden crown, belonged to the statue of *Jupiter Optimus Maximus* in the Capitol, and that, as the image of the God was painted during the festival with vermillion,—so also was the countenance of the triumphing *imperator*, in order that he might be rendered, in both respects, like to the supreme God. (*Plin. H. N.* xxxiii. 36., *Serv. ad Virg. Ecl.* vi. 22.) A triumph often continued for many days; that of Cæsar lasted four.

16



Arch of Titus. See note e.

^d *Versus ludicri in Romanorum Cæsares.* Ed. Bernstein, 1810. The custom prevailed as early as A. U. 296.

^e *Quid tandem habet iste currus? quid victi ante currum duces?*

quid simulacra oppidorum? quid aurum? quid argentum? quid legati in equis et tribuni? quid clamor militum? quid tota illa pompa? Inania sunt ista, captare plausus, vehi per urbem, conspici velle. (Cic. Pis. 25. 60.) *Triumphare appellatum, quod cum imperatore milites redeuntes clamitant per urbem in Capitolium eunti: Io triumphe; id est a Ὠδύσεω ac Græco Liberi cognomento potest dictum.* (Varro, L.L. v. 7. 69.) "The oldest triumphal arch, now existing at Rome, if we except the doubtful monument of Drusus, is the arch of Titus; and as a proof and illustration of the most important event in the Jewish history, there is not perhaps a more interesting object of antiquity in the world." (*Burgess*, i. p. 282.)

The *Ovatio* was an inferior kind of triumph, in which the general entered the city on foot or on horseback, crowned with myrtle (not with laurel), and wearing a *toga prætexta*. Instead of bullocks he sacrificed a sheep (*ovem*); hence the name *ovatio*. — The honour of a triumph, in a great measure, lost its importance with the decline of the republic. The emperors reserved it for themselves, and sometimes, like Caracalla, claimed it though they had neither led an army nor obtained a victory. An *ovatio* was merely allowed to victorious generals — since the full honours of a triumph were considered as inconsistent with the dignity of the emperors.^f Augustus introduced a custom of sending triumphal ornaments (*ornamenta triumphalia*) to the generals who had been victorious. (*Suet. Aug.* 38., *Tib.* 9.) — *Triumphalia ornamenta* (*Agricolæ*) *decerni jubet*, Tac. *Agricol.* § 40. Belisarius, the general of Justinian, is the last individual on record who enjoyed a triumph.

^f "As, in the time of the republic, it had been a maxim to make war perpetually, under the emperors the maxim was reversed; victories were only regarded as the consequences of inquietude with armies which might estimate their services at too high a price. Those invested with command feared to undertake any great enterprises; they were obliged to moderate their glory in such a manner as to excite the attention, but not the jealousy, of the prince; in other words, to appear before him divested of that *éclat* which might be considered as an invasion of the rights of the emperor." (*Montesquieu*, p. 123.)

Discharge from military service varied at different periods, but, under the emperors, it was defined by certain laws. After they had completed their full period of service (*post emerita stipendia*)[§], many of the soldiers were discharged at one and the same time, and their names were engraved on iron tablets, by which means they became veterans. Whoever was discharged before he had served his full time, enjoyed the rights of a veteran in being exempted from civil burthens; he who was discharged through sickness (*caussaria dimissio*) obtained no privileges. A discharge procured by favour was called *missio gratiosa*. The *dimissio ignominiosa*, which might also be carried as high as *exauctoratio* (loss of all military distinctions), deprived the individual of the right of remaining either at Rome or wherever the *imperator* was, and was accompanied with no exemption from civil burthens. The pay of the soldiers is treated of in a following chapter. (p. 275.)

[§] The term of service was twenty years for the infantry and ten years for the cavalry. (Cf. *Liv.* xxvii. 11.) Those who permitted themselves to be enrolled for a longer service, were termed *evocati* (cf. Walther ad Tac. ii. 68.), and were thus distinguished from the *exauctorati*, who were dismissed altogether, or, from the time of Tiberius (*Tac.* i. 36.), were merely retained for light service and fighting against the enemy (*cæterorum immunes, nisi propulsandi hostis*), Lips. ad Tac. i. 17. 36. The *Veterani* were those who continued to serve after their 45th year. (*Ramshorn Synonym.* 1830.)

CHAPTER XXXIV.

FINANCES OF THE ROMANS.

CHANGES IN THE FINANCIAL SYSTEM OF THE ROMANS. — PROVISION FOR THE SUPPORT OF THE RELIGION OF THE STATE. — VARIOUS TAXES. — POPULI TRIBUTARII, STIPENDIARII, ETC. — ÆRARIUM, FISCUS, INDICTIO.

THE public economy of the Romans first assumed a systematic form under the emperors. The simplicity of the earlier periods did not render any particular anxiety on this subject necessary; and the state-lands, along with a property-tax (*tributum*) exacted from each individual through the tribes (according to the *census* or valuation) appears to have supplied all that was required. (*Liv.* i. 44.) As soon, however, as the wants of the state became more urgent, on account of continued wars and the military pay that had been established — (the revenue, at the same time, being not at all certain), embarrassments were of frequent occurrence. In these cases voluntary contributions and public loans were raised by private individuals; for the exaction of the contingent and extraordinary taxes, which depended on no rule (*tributa temeraria*), excited dissatisfaction. (*Liv.* xxvi. 36., xxix. 16., iv. 54.) In successful wars the people endeavoured to get rid of the annual tributes. (*Liv.* ix. 43.) They were remitted in the year of the city 586, on account of the immense sums brought into the treasury by M. Paulus Æmilius, after the defeat of Perseus, and on account of the other revenues accruing to the state from the yearly

tributes (*tributa*) of the allies (*socii*), and the provinces. (*Cic. de Off.* ii. 21.)^a

^a The term *populi tributarii* is applied to those subject-states or allies who paid their taxes or tribute from the produce of their fields, when the crops were ripe; the taxes of the *Vectigales* were indefinite; but the *populi Stipendarii* paid a certain invariable amount every year. (Cf. *Ernesti, Clavis v. Stipendiarius.*) Thus, as Cicero informs us, the Spaniards and Carthaginians were *tributarii*, whilst in Asia the taxes were let out by the censors, *censoria locatio constituta est, ut Asia, lege Sempronii* (Verr. 3. 6.) — Ramshorn 1296. i. e. the people were *vectigales*.

We may distinguish four periods in the history of the financial system of the Romans: the first extending from the earliest times to the introduction of military pay (348); the second, till the time of Augustus; the third, till the reign of Diocletian, when a perfect system of despotism was introduced; and the fourth, till the overthrow of the western empire. The revenue and expenditure (as well as their administration) must be considered according to these different periods; for new relations of the state, and changes in the form of government, introduced new wants and expenses, as well as new sources of revenue.

Above all, it is important to know in what manner the religious wants of the state were met; for we must observe that public and private religion always remained distinct among the ancient Romans. Romulus had already dedicated lands to the gods and the temples for defraying the necessary expenses; and Numa had appointed a public stipend (*stipendium de publico*) to the vestal virgins. Much money, too, appears to have accrued for religious purposes, from fines and from property that had been confiscated by the state; a custom which has been perpetuated down to modern times. The religious feeling of the community (before it became estranged from sacred matters by over-refine-

ment) may have also contributed much in the shape of donations to the sacred revenues. (*Liv.* v. 23. *sqq.*) In this manner arose the property of the temples and the pontifical colleges, which was maintained to a late period and even increased (*Suet. Aug.* 31., *Tac. Ann.* iv. 16.), whilst, at the same time, it was exempted from public burthens. (*Cic. de N. D.* iii. 19.) Constantine provided for the expenses of the Christian worship by applying the funds of the state to its support (*Zosim.* ii. 38., *Sozom.* v. 5.); yet the *decuriones* of the cities (representatives of the citizens, see p. 165., and *Hegewisch d. Röm. Finanzen*, p. 278. *sqq.*) and the great majority of the inhabitants still adhered to the Pagan religion. Julian indeed abolished these regulations; but they were permanently re-established under his successors.

The oldest tax was a poll-tax (*in capita*), which was afterwards changed into a property tax (*ex censu*). The *portoria* were customs or duties levied upon goods imported by ships. When military pay was introduced after the abolition of the kingly power, the taxes became oppressive, although they were not levied every year. New taxes became necessary when the public treasury was exhausted by perpetual wars: as, for instance, the twentieth part of the value of any slave who was freed (*vicesima manumissionum*). The money raised from this tax (*aurum vicesimarium*) was reserved for the greatest exigencies of the state. It was first applied in the year of the city 544 (during the second Punic war), and then amounted to 4000 pounds weight in gold. A new tax was imposed also during this war upon the salt works (*salinæ*), which were commenced by Ancus Martius, and worked by private individuals, until the state took them out of their hands (246 A. U., *Liv.* ii. 9.), for the sake of furnishing the people with salt at a lower rate.

The revenue increased with the conquest of foreign countries. The senate not only converted the lands, forests, mines, &c. of foreign countries into the property of the state (*Ager publicus*, *agri decumani*^b, *agri sectigales*, as, for instance, the whole of Campania, *Liv.* xxvi. 6., *Cic. de Leg. Agr.* 31. *sqq.*, xxxvi. 39.), but also received the custom-dues (*portoria*). To these sources of revenue we must add the booty in prisoners of war and other valuables (which was sold, *redigi in publicum*^c); in ready money; as well as the obligation, imposed upon those whom they had subdued, of supporting the army and paying tribute. *Manubia* is the portion of booty that fell to the commander. (Cf. *Ramsborn*, 869.)

^b The *decumæ* was the corn-tithe paid by the farmers of the provinces; the *scriptura* was the tax accruing from the pasturage of the conquered countries. *Qui decumates agros exercent* (Tac. Germ. xxix.) refers to the inhabitants of those districts who paid a tenth of their produce on condition of being received under the Roman protection.

^c Auctions were held in public places, and in buildings appropriated for the purpose (*atria auctionaria*). The day and conditions of the sale were publicly placarded beforehand (hence *auctionem proscribere*), or announced by a herald (hence *auctionem prædicare*, *conclamare*). A banker (*argentarius*) was in attendance, to whom the purchaser paid the money, or gave security for it. This sort of sale was termed *actio*, because the things were sold to the highest bidder (from *augere*). The seller was termed *auctor*, and was said *vendere auctionem*. When a general sold the booty of a city, or when a sale took place of the goods of any person who had been condemned or outlawed, they were said *vendere sectionem*, i. e. the booty or the goods (*Cæs. B. G.* ii. 33.), and the purchasers were called *sectores*, (*a seco*) since such individuals resold them afterwards with a profit. The right or title obtained by a purchaser over any thing purchased in this manner was termed *auctoritas*; and if this title was not complete, he was said to have purchased a *malo auctore* from one who had no right to sell. (*Cic. in Ferr.* v. 22.) No man of any honourable feeling attended the public auctions, where the goods of the condemned or outlawed were offered for sale. (*Nep. Att.* vi.)

According to the difference of manner in which the subject-people contributed to the revenue of the state (p. 270.), they were divided into *populi tributarii* v. *sti-*

pendiarii, and *populi vectigales*. (Cic. in Verr. iii. 5. 5.) Considering the development and increase of resources from without, it was very natural to expect that the mother country (*patria communis*) would be relieved from tribute and taxes (Cic. *de Off.* ii. 22.); but it was just as natural to expect that they would be revived again during the distraction of the civil wars. (Appian, iv. 34., v. 67.) Finally, Cæsar possessed himself of the public treasury; but the more prudent Augustus (sparing forms that had been sanctified by usage) permitted the *Ærarium* to continue as the treasury of the state, and established the *Fiscus* as an *ærarium militare*.^d

^d The *fiscus*, however, soon became the private treasury of the emperor (Plin. *Panegy.* 36.); so that in fact there was no distinction, although the two treasuries coexisted down to the latest periods. Agreeably to the views upon which the *fiscus* had been established, the most numerous and important taxes flowed into it, whilst the *ærarium* only received the tribute from the senatorian provinces (see p. 170.). To this we must add the fines [first levied A. U. 350] accruing from those who lived in a state of celibacy (after the passing of the *Lex Papia Poppæa*, A. U. 762), as well as the confiscated property of state-criminals, until the property of Sejanus was made over to the *fiscus*. (Tac. *Ann.* xvi. 2.) In this manner the property of the republic was gradually converted into the private property of the emperor.

The revenues of the *fiscus* were increased by new customs (*portoria*), imposed upon all wares imported into Rome and Italy from the provinces or foreign countries. New taxes were also invented; as the tax of one per cent. upon all articles of consumption (*centesima venalium*, which was oppressive, and taken off by Tiberius, Tac. *Ann.* i. 78., ii. 42.); a tax of five per cent. upon great and unexpected inheritances (*vi-cesima hæreditatum*), which was long opposed by the senate, and which in later times was again abolished. (Plin. *Ep.* ii. 20.; Petron. 116.) From the time of Commodus, the revenue was increased through unfair confiscations, by means of paid informers (*delator*

from the time of Vespasian by a tax upon urine (*vectigal urinæ*); from the time of Caligula by a tax upon the gains of porters (*octava ex diurnis gerulorum quæstibus*); by a tax upon artists and artisans (*vectigal artium*, Suet. Vespas. 23.); a tax upon architectural magnificence (*vectigal pro columnis et ostiis*, Cic. ad Att. xiii. 6.); a tax upon the soil (*vectigal pro solo, solarium*), &c.

In later times the *fiscus* (*arca largitionum*) received a yearly land and produce-tax (*indictio*), the amount of which was duly prescribed (*indicebatur*) by the emperor. "The emperor subscribed with his own hand, and in purple ink, the solemn edict or indiction, which was fixed up in the principal city of each diocese, during two months previous to the first day of September. By a very easy connection of ideas, the word *indiction* was transferred to the measure of tribute which it prescribed, and to the general term which it allowed for payment. Hence the 'cycle of indictions' in chronology." (*Gibbon*, ch. xvii.) The proportions of this tribute were assigned by the provincial and inferior magistrates to individual cities and districts, according to a scale (*canon*) fixed by the imperial officers (*censitores*, land-measurers and taxers; *tabularii*, those who kept the registers). To this we must add a tax upon trade, levied every four years, and proportioned to the capital employed (*aurum lustrale, lustralis collatio, lustralis auri collatio, chrysargyrum*), from which however artisans were exempt, who supported themselves by manual labour. (*Codex Theodos.* xi. tit. 1. 4.) The *aurum coronarium* arose from the voluntary gifts of cities and parishes. The emperors gained much from their monopolised manufactures of every description, as well as by tribute accruing from private property in gold mines, marble, and other stone-quarries.

CHAPTER XXXV.

FINANCES OF THE ROMANS.

VARIOUS MODES OF EXPENDITURE.—THE RIGHT OF IMPOSING TAXES.
— ADMINISTRATION OF THE REVENUE.—MODE OF LEASING THE
TAXES. — PUBLICANI.

THE expenditure was connected in like manner with the change of manners and of the relations of the state. The simplicity of the earliest period provided at the public cost for the religious wants of the state, the maintenance of the public works and buildings (*opera publica*), the war-expenses of the consuls and pro-consuls, as well as corn in case of a famine. Horses were also provided for the knights, and pay given to the soldiers (see p. 230.); two oboli a day for a foot soldier, four for a captain, six for a knight (*Polyb.* vi. 39.), till Cæsar doubled it, and Domitian increased it a third. (*Suet. Cæs.* 26.; *Dom.* 8.) The value of their rations^a and equipments was deducted from it. (*Tac. Ann.* i. 17.) Their pay was increased also by the extraordinary donatives of emperors and usurpers, and particularly by the tribute of subdued provinces, so that many of the soldiers acquired wealth. Hence arose the *donativa* to the prætorian cohorts, which Galba was the first to refuse.^b To these we must add the donations in money, the distribution of corn, wine, oil, &c. (*congiaria*^c), the expensive, yet gratuitous, games, the banquets, and other means of enjoyment

which the emperors furnished to the people. (*Suet. Cæs.* 41.; *Aug.* 41.; *Tac. Ann.* iii. 29.)

* *Diaria* — “*Cæsar diarius militum celeritatem incitat.* Cic. Att. viii. 14. [*Diarium* is sometimes used for a journal or day-book *ἐφημερίς*]. Soldiers who received double pay, were called *duplicarii*.

“It was an ancient custom of the Romans, that whoever triumphed should distribute some money to every soldier; it was a mere trifle. In the civil wars, however, these donatives were augmented. The liberal example of Cæsar was imitated by Antony and Octavius, by Brutus and Cassius. These distributions did not take place except after a war; Nero made them during peace. The soldiers became accustomed to them; and they murmured against Galba, who said to them with courage, that he knew how to choose, but not to purchase them.” (*Montesquieu*, p. 141, 142.)

“In the time of the republic, the Roman people, sovereign of the world, ought naturally to have a share of the tributes; and this was the reason why the senate at first sold corn to them at a low price, and afterwards gave it to them for nothing. When the government had become monarchical, the practice subsisted in opposition to the principles of the monarchy, and the abuse continued on account of the inconvenience that would arise from changing it. But Constantine, when he founded a new capital, established it there without any good reason.” (*Montesquieu*, p. 165.) The principal *Leges Frumentariæ* are the *Lex Sempronia* (628), *Octavia* (633) modifying the *Lex Sempronia*, *Appuleia* (652), *Cassia Terentia* (680), *Clodia* (695).

From the time of Constantine the expenditure was increased by the formation of a court (with its corresponding staff of official personages) by the establishment of a new eastern capital (Constantinople), commenced and carried on with great prodigality, and by the tribute afterwards paid to the barbarians who broke into the empire. This furnishes the most striking evidence of the decay of a political system shaken to its centre, whilst the schools that had been founded from the time of Hadrian, the public teachers that had been established by Antoninus Pius in all the provinces of the empire, and increased by the following emperors, the universities that had been founded at Rome and Constantinople (*Manso. Verm. Abhandl.* p. 70. *sqq.*),

and strengthened by imperial laws — as well as Christianity, which had been elevated by Constantine to be the religion of the state, were all equally unavailing for its preservation.

The determining power with respect to matters of public economy was perhaps in the earliest times divided between the kings and the senate. It then passed over to the senate, so that the people had no voice on the subject. (*Liv.* iv. 60., v. 10., vi. 21. *sqq.*; *Polyb.* vi. 13. 15. 17.) This power under the emperors still continued formally in the hands of the senate till the time of Domitian; for Tiberius not only referred to the senate all matters connected with the public revenue, but also transferred to it from the *comitia* the right of creating magistrates and enacting laws. (*Tac. Ann.* i. 15.) Nero permitted the senate to discuss the abolition of taxes. Hence it is said, with respect to the decrees or resolutions published by the emperor, *edixit princeps*, but not *decrevit*. (*Comp. Liv.* xxiv. 12., xxxv. 24.) Yet this in every case only applies to the *ærarium*; with respect to the *fiscus*, the emperors were fettered by no formalities. On the other hand, the later emperors determined in every respect upon their own authority (*proprio motu*).

The administration of the revenue (*reditus*) depended in like manner upon the determining power, but was committed by it to particular officers. Even under the kings we find quæstors appointed for this purpose. (*Tac. Ann.* xi. 22.) After the abolition of royalty, the consuls (as censors) had the regulation of the taxes, but they appointed (agreeably to the *Lex Curiata*, renewed by Brutus) quæstors to manage the details, until the choice of them finally devolved upon the people. The quæstors (originally two in number) were increased, after the extension of the

Roman dominion, to four, and under Sylla to twenty (see p. 147.). These took charge of the money accruing from the tribute and taxes (as regulated by the censors), superintended the sale of prisoners of war and of state-property, provided for kings and foreign ambassadors when at Rome, paid, upon a decree of the senate, the requisite sums out of the treasury, and were managers of the mint previous to the appointment of the *triumviri monetales*. The proper business of the quæstors was performed by public scribes, who were attached to this magistracy for a permanency (*Liv.* xl. 29.; *Cic. in Verr.* 78, 79.); on which account they acquired a greater knowledge of the duties and details of the office than the quæstors themselves. (*Plut. Cat.* 16.) Amongst the other subordinate officers of the quæstors were the *præcones*, and perhaps also the *tribuni æarii*, but the relation of these latter to the *æarium* is somewhat obscure.

We may particularly remark, in the public economy of the Romans, the leasing or letting out (*locare*) of the taxes (*vectigalia*) of the provinces. This was done every fifth year by the censors in the Forum (*Calendis Martiis*, *Cic. de Lege Agr.* i. 3., ii. 21.). A spear was fixed in the earth as the sign of the place of assembly (*hasta*, hence *sub hasta venire*); and the conditions of the lease, as well as the quantity or amount to be leased, were previously published upon tablets (*tabulæ, leges censoriæ*). The farmers-general of these taxes were called *publicani*, and in later times were selected from the *ordo equitum*. They formed societies for the purpose of leasing the taxes (*conducere, redimere*), whose president (*magister societatis*) as *maniceps* took charge of the leasing, and provided securities (*prædes*), if the amount of the rent could not be previously paid (*repræsentari*). These societies farmed

only particular taxes, as those connected with the public lands. Cicero was the legal agent of these latter (*Cic. ad div. xiii. 65.*), as he was in general the friend of the *publicani*. The inferior servants of the *publicani* were the *operæ* (τελωναί, toll-collectors, in the New Testament), *portitores*, *coactores*, &c. The *publicani* amassed immense wealth, whilst they exhausted the provinces by their exactions.

By means of this wealth the *publicani* exercised so important an influence upon the people that Cicero himself courted their favour for the advancement of his political plans (*de petit. Cons. 13.*; *ad Att. ii. 1.*), as well as Julius Cæsar, who conceded to them the remission or abatement of certain sums^c, in opposition to the senate. They also retained in their power distinguished yet dissipated young men (who afterwards appeared as statesmen), by advancing them sums of money upon extravagant interest; which proved very prejudicial to the republic. "Those," says Montesquieu, "who had, at first, been corrupted by their riches, were afterwards corrupted by their poverty. With property above a private condition, it was difficult to be a good citizen; with the desires and the regrets of a great fortune ruined, the ambitious were ready for every enterprise; and, as Sallust remarks, we see a generation, who, not being able to have a patrimony of their own, are determined that others shall not" (p. 91.).

^c *Lex Julia de publicanis tertiâ parte pecuniæ debitæ relevandis.* Cato endeavoured to prevent the passing of this law by wasting the day in speaking. Cæsar ordered him to prison, but recalled his order, when he saw many of the senators about to follow him thither.

CHAPTER XXXVI.

COINS, WEIGHTS, AND MEASURES.

DIVISIONS OF THE *AS*. — REDUCTION IN ITS WEIGHT. — THE DENARIUS. — MODE OF COMPUTING BY SESTERCES. — AUREUS. — MEASURES FOR SOLIDS AND LIQUIDS. — LIBRA. — MEASURES OF LENGTH. — COMMERCE. — PROGRESS OF LUXURY. — INTEREST OF MONEY.

THE earliest coins (*pecunia* * *signata*) among the Romans were of copper (*æs*); previous to the use of coins, the copper was weighed in pecuniary transactions. Hence the various names of money also denote weight; so *pendere* for *solvere*, to pay; *stipendium* (a *stipe pendendū*), soldier's pay, because it was at first weighed, not counted. The *As*, *assis*, is equivalent to a pound (*libra*), and contains twelve parts or ounces (*uncia*), of which six make a *Sextans*, four a *Quadrans* (*Teruncius*); three *Triens*; five *Quincunx*; seven *Septunx*; eight *Bes*; nine *Dodrans*; ten *Dextans*; eleven *Deunx*. The *sextans* and *quadrans* (the latter had the sign or figure of a ship stamped upon it), were the only stamped coins in this division.^b The *Semissis* was equal to half an *as* (*semi assis*); the *Dupondius* to two *asses*; the *Quatrussis* to four, and the *Decussis* to ten.

* From *pecus*, cattle:

*Aut pecus, aut latam dives habebat humum,
Hinc etiam locuples, hinc ipsa pecunia dicta est.*

(Ovid. Fasti, v. 281.)

In addition to the current coins, or coins expressing *value*, we may mention the numerous medals or coins struck in commemoration of certain events (*missilia*, *numismata*, *maximi moduli*). The S.C. (*Senatus-consulto*), so frequently found upon the other coins, is not met with on these. Coins are divided into

two classes — *Consular* and *Imperial*. The first are often called "Coins of the Roman families." The latter series commences with Julius Cæsar and terminates with Heraclius. The Roman coins present us with certain variations from the modern orthography:—V for B, as in DANVVVS; O for V, as in VOLCANVS, DIVOS; EE for E, as in FELIX; or II for J, VIIRTUS; S and M wanting at the end of words, as ALXINU, CAPTU; XS for X, as in MAXSUMUS; F for PH, in TRIUMFUS, &c. (See Archæology.) Coins are distinguished according to their size (*modulus*).

The etymology of some of the terms will make their meaning plainer. Thus *denun*, i. e. *deest uncia*; *dextans*, i. e. *deest sextans*; *dodrans*, i. e. *deest quadrans*; *bes*, originally *des*, which last is contracted from *duessis*, i. e. *duæ assis tertie partes* (Gronov. de Pec. Vet. 489.); *septunx*, i. e. *septem uncie*; *triens*, i. e. *tres uncie*; *semis*, i. e. the half of an *as*; *quadrans*, i. e. the fourth part; *sextans*, the sixth part; *uncia* (contracted from *unicia*, which is the same with *unica*), i. e. *unica pars assis*. (Anthon's Lempriere, Appendix, No. i.)

When the nominal value of the *as* was gradually lowered, and the *as libralis*, on account of the scarcity of money, was superseded by the *sextantarius*, in the first Punic war, the *uncialis*, in the second, and the *semuncialis* (563, according to the *Lex Papiria*), which were respectively one-sixth, one-twelfth, and one twenty-fourth of the *as libralis* in weight, it was customary to distinguish the ancient *asses* from the modern by the term *as grave*. Before that time the term was not necessary. Thus in one of the laws of the Twelve Tables, quoted by Gellius, xx. c. 1., we read:—*Viginti quinque æris pœnæ sunt*, without any addition of *gravis*. Though, after the diminution of the *asses*, sums of money are sometimes calculated and expressed in the *as grave*; yet this was not a coin, or any certain weight of brass, but a mere appellation, such as a *mark*, *angel*, "*dernier*, *pistole*, *livre tournois*," which names are used in calculations, although there is no coin of brass, silver, or gold that exactly answers to them. (*Crevier's Disputatio de ære gravi* in the 4to ed. of Livy.)

With this change of the *as* is connected the altered value of the *Denarius*, a silver coin, stamped (*nota argenti*), with the figure of a *biga* or *quadriga* (hence *bigati* and *quadrigati*, sc. *nummi*, see *fig. 17.*), and which was reckoned equal to an Attic drachm. (*Plin. H. N.* xxi. 34.) So Plutarch estimates that sum which in Livy xxxix. 44. is *quindecim millium æris* (i. e. *gravis*) at 1500 *drachmæ*, i. e. *decem æris*, equal to a *drachma*, which was *always the case*. The *denarius* at first was equivalent to ten *asses* (hence its name), then to sixteen, and afterwards to eighteen *asses*. The *Quinarius* (called *Victoriatus*, from its bearing the image of the Goddess of Victory) was equal to half the *denarius*; the *Sestertius* to one-fourth^c; and this was often called *Nummus*, since the most usual mode of reckoning was by sesterces.

^c *Sestertius*, compounded of *semis*, half, and *tertius*, sc. *nummus*, $2\frac{1}{2}$ *asses*. Compare the German *dritthalb* (third-half or $2\frac{1}{2}$), and the Greek τρίτον ἡμιτάλαντον, i. e. $2\frac{1}{2}$ talents. (See *Matthiæ*, *Gr. Gr.* i. 176.)

17



Denarius simplex.



Denarius quadrigatus.

It was customary to mark the *sestertius* with LLS, IIS or HS, in reference to the *sestertius* being originally worth two *asses* and a half (*duæ libræ et semis*). A thousand *sestertii* make one *sestertium*; a mere nominal value, and not the name of any coin; hence *decem sestertia* are equal to ten thousand sesterces. *Sestertium*, *mille sestertii*, *mille nummi* v. *sestertii nummi*; *mille sestertiûm*, *mille nummûm*; H. s. vel H. s. 2500 *æris*,

sc. *asses*; 250 *denarii* v. *drachmæ* denote the same sum.^d

^d The Romans sometimes expressed sums by *talents*. We must observe that a *drachma* was equal to a *denarius*; a *mina* contained 100 *drachmæ*; a talent 60 *minæ*. Hence, the talent was equal to 6000 *denarii* or *drachmæ*, or 24,000 sesterces. Agreeably to this we find (*Cic. Rab. Post.* 8.), *decem millia talentum* and *sestertium bis millies et quadringenties* equivalent expressions. So also 100 talents and 600,000 *denarii*. They sometimes expressed sums by pounds (*libræ pondo*, i. e. *pondere* in the ablative), as we say pounds in weight. The Attic or great talent (*talentum magnum*, *Plaut. Rud.* 3. 4. 73.) contained 32,000 sesterces.

In denoting sums above ten hundred thousand, the mere numeral adverb was joined with *sestertium*, without adding to it *centena millia*; thus *quadringenties sestertium* = 400,000 sesterces, *sexagies sestertium* = 600,000 sesterces. Sometimes the adverb stands by itself, and denotes the same thing; so also in sums of brass, *decies æris*, sc. *centena millia assium*; for when we say *deni æris*, *centum æris*, &c. *asses* is always to be supplied. When sums are expressed by letters, and a line drawn over them, we must understand *centena millia*, as in numeral adverbs: thus H.S. M.C. expresses the same value as *millies centies*, i. e. 110,000,000 *sestertii* or *nummi*; but H.S. M.C., without a line over it, is equal only to 1100 *sestertii*. The expression *million* is unknown to the Romans; for instance, 12 millions is expressed by *centum et vicies sestertium*: seven hundred millions by *septies millies sertertium* (i. e. *septies millies* = $7000 \times \text{centena millia}$ (100,000) = 700,000,000). *Sestertium* is always the contracted genitive; *sestertia* occurs only in poets.

A golden coin^e was first struck at Rome in the thirteenth year of the second Punic war (546) called *Aureus* or *Aureus nummus*, equal in value to 25 *denarii* or 100 *sestertii*. Hence the fee allowed to be taken by a lawyer is called by Tacitus *dena sestertia*

(10,000 sesterces), by Pliny *decem millia* (sc. *sestertiūm*), and by Ulpian *centum aurei* — all of which were equivalent. Under the emperors the *aureus* was called *Solidus*. A *sestertius* is usually reckoned to be worth 1½d.; a *quinarius*, 3d. 3½q.; a *denarius*, 7s. 3d.; a *sestertium*, 8l. 1s. 5½d.[†] Silver was first stamped (A. U. 485), five years before the first Punic war. (*Plin.* xxxiii. 3. 13.)

* The assay or trial of gold was called *obrusa*; hence, *aurum ad obrussam*, the purest gold: *argentum pustulatum*, the finest silver; *argentum infectum* v. *rude*, bullion, or uncoined silver; *factum*, plate; *signatum*, coined silver; *nummus asper*, new-coined. Money was stamped in the temple of *Juno Moneta*; hence the name *moneta*, money, *Anglicè* mint: —

Æra dabant olim; melius nunc omen in auro est:
Victaque concedit prisca moneta nova.

(*Ov. Fast.* i. 222.)

Æra refers to the copper coinage.

Originally 40 *aurei* were coined out of a pound of gold; but under the later emperors they were considerably debased by alloy. The emperors stamped their own likeness on their coins. The calculation of Roman coins, according to the modern value of money, rests upon very different principles. "Whether the precious metals, labour, or any other standard, be adopted as a medium of comparison between the prices of commodities in ancient countries and in modern Europe, the result must be equally fallacious and nugatory. The standard employed, whatever it may be, is itself indeterminate; or, in other words, the measure assumed, and the thing to be measured by it, are equally uncertain." *Encyclopædia Britannica*, art. *ÆTICA*.

† The Romans borrowed their *abacus* from the Greeks. The pupils were instructed to compute by forming progressive rows of counters (*calculi*); hence, in a figurative sense, *calculos ponere* or *movere*, to state an argument; *calculus detrachere* or *subducere*, to suppress a proof or step in an argument; *calculus reducere*, to change a line of conduct or reasoning. The same board (*tabula*) served also, when covered with green sand (the *pulvis eruditus* of the ancients, *Cic. de N. D.* ii. 18.), for teaching the rudiments of writing and the elements of geometry. The use of the *abacus*, called sometimes the *mensa Pythagorica*, formed an essential part of the education of every noble Roman youth: —

Nec qui abaco numeros et secto in pulvere metas

Scit risisse vasser.

(*Pers. Sat.* i. 131.)

A small box or coffer, called a *loculus*, having compartments to

hold the *calculi* or counters, was a necessary appendage of the *abacus*. Hence Horace speaks of the boys going to school

‘Lævo suspensi loculos tabulamque lacerto. (Hor. Sat. i. 6. 74.)

Encyc. Britann. art. *ABACUS*.—*Encyc. Metropol.* art. *ARITHMETIC*. In some of these terms allusion perhaps is made to a game amongst the Romans, known by the name of *ludus scriptorum*—*duodecim scripta*. This game was played upon a square board (*alveus* v. *tabula*), which was divided into 25 sections by 12 lines crossing each other at right angles (*scripta*), with stones of different colours (*calculi, latrones, latrunculi*):—*Itaque tibi concedo, quod in duodecim scriptis solemus, ut calculum reducas, si te alicujus dati penitet.* (C. Hortens. Fragm. 48. Orelli, p. 483. ap. Non. 2. 781.)—*Latrocinii sub imagine calculus ibit.* (Ov. Ar. Am. ii. 207.)

Amongst measures for solids and liquids, the *culeus* was the largest, containing twenty *amphoræ*. The *amphora* contained two *urnæ*, or eight *congi*, or forty-eight *sextarii*, six of which (48÷8) formed one *congius*. The *congius* again was divided into twelve *heminae*; the *sextarius* contained twelve *cyathi*; the *quartarius* contained half a *hemina*, and the *acetabulum* one fourth. The *modius* (the third part of an *amphora*) was only used as a measure for dry things, particularly corn; four *modii* of corn formed the monthly allowance for slaves (*dimensum*). (Senec. Ep. 80.; Cato de R. R. 56.) The *amphora* was the measure for ship cargoes (*Liv.* xxi. 63.); the *urna*, *congius*, for fluids; and also the *cyathus*, containing as much as a person could swallow at once. The *quadrantal* was only used as a dry measure. §

§ There were two pounds in use among the Romans (each divided into twelve *unciae* or ounces, and the *unciae* into eight drachms); the one for liquid measure, to determine the volume of a body (*moles*), and the other its weight. Galen everywhere distinguishes the λίτραν μετρικὴν (*libram mensoriam*) and the λίτραν σταθμικὴν (*libram pondo*), and frequently compares them together. Oil was chosen as the standard of all other liquid substances, and the same writer informs us, that he found from his own examination, that the weight of a pound of oil (L. M.) was to a pound weight, as 10 is to 12; or that 12 oz. of the former were equal to 10 oz. of the latter. (Crevier, *ut supra*.) Thus the *congius*

would contain 9 lbs. of oil (L. M.), and $7\frac{1}{2}$ lbs. of oil in weight (*pondo*); as the specific gravity of wine to oil is in the relation of 9 to 10, it would contain 100 oz. of the former in weight (*pondo*). The *congius*, therefore, contained as much wine in weight as would be equal to 10 lbs. of oil (L. M.); for 100 oz. *pondo* = 120 oz. or 12 lbs. (L. M.), because 12 oz. (L. M.) = 10 oz. in weight. Hence we may see how a *congius* was *decem pondo*.

The Romans measured length or distance by feet, cubits, paces, *stadia*, and miles. The foot (*pes*) was equal to twelve inches. It contained four hand-breadths (*palmi*); twelve thumb-breadths (*pollices*); sixteen finger-breadths (*digiti*); and was divided also as one whole (*as*) into twelve parts (*uncia*). The *cubitus* v. *ulna* contained six *palmae* or one and a half *pedes*; a *passus* five *pedes*; 125 *passus* make one *stadium*, and eight *stadia* one mile (*mille passus* or a *millarium*). The Roman acre (*jugerum*) contained 240 feet in length, and 120 in breadth; that is, 28,800 square feet. The half of an acre was called *actus quadratus*. This was the real unit in the Roman land-measure, containing 14,400 square feet, i. e. a square of which each side was 120 feet. (*Nieb.* ii. p. 626.) "*Actus quadratus undique finitur pedibus cxx. Hoc duplicatum facit jugerum.*" (*Columel.* v. 1. 5.)^h

^h The eighth part of a *jugerum* (*clima*) = 3600 □ feet; the *actus minimus* (4 feet by 120) = 480 □ feet; the *scripulum* = $\frac{1}{32}$ of an acre, or = 100 □ feet. Two *jugera* make one *hæredium*; 100 *hæredia* = one *centuria*; and four *centuriae* = one *saltus*, or 800 *jugera*. A pole ten feet long (*decempeda*) was called *pertica*, a perch (the English is $16\frac{1}{2}$ feet); hence, *una pertica tractare*, to measure with the same ell, to treat in the same manner. (*Plin. Ep.* 8. 2.)

Although commerce and trade were established under the kings, as is proved by the formation of the harbour at the mouth of the Tiber (*Ostia*), and of the corporations (*collegia*) of traders and artisans, which continued to a late period (*Liv.* ii. 27.; *Cic. pro domo*,

33.; *Martial*, iii. 16. 59.)ⁱ; still agriculture was considered as the most honourable employment, and trade was forbidden to senators. As the power of Rome increased, its trade and merchandise (*mercatura*), as well as its banking system (*negotiatio*, hence to *negotiate* a bill of exchange), became more extensive. Nevertheless the wholesale dealer (*magnarius*) was alone looked upon with respect, and not the retailer (*caupo*), and the factors or agents (*institores*), who did not trade on their own account.^k Trade was particularly lucrative in the provinces; and hence many Roman citizens fixed their residence there. (*Cic. pro Lege Man.* 7.; in *Verr.* ii. 30., iii. 41., v. 38.; *Sall. Jug.* 26.)

ⁱ They were abolished by the senate, but restored by the *Lex Clodia* (695) on this subject. — "The commercial treaties between Rome and Carthage are among the most curious documents of ancient history. The earliest of these treaties (245 A. U., or 509 B. C.) warrants the safety of Romans trading in the markets of Carthage, but binds their freedom of navigation and of making settlements on the coasts of Africa. The treaty entered into after the first Punic war (242 B. C.) display the same jealous care on the part of Carthage to guard against encroachments." (*Maritime and Inland Discovery*, vol. i. 134.)

^k " *Illiberales et sordidi quæstus mercenariorum omnium, quorum operæ, non quorum artes emuntur: est enim in illis ipsa merces auctoramentum servitutis.* (*Cic. Off.* i. 42.)

In the increasing taste for expensive indulgence which now extended equally to every thing (converting the fields into artificial gardens) the trade, especially in corn and other necessities of life, with luxuries of every description, as well as the business of money-dealing, which degenerated into usury, rose to the highest importance. (*Cic. ad Att.* v. 18. 20. 21., vi. 1.) That luxury commenced at a pretty early period is evidenced by the law with respect to the dress of women (*Liv.* xxxiv. 1. *sqq.*), by the various sumptuary

laws (*leges sumptuariae*, laws limiting expenses), which succeeded it, and by other notices. (*Plaut. Aul.* iii. 5.; *Epid.* ii. 2. 45.) The more extensive the conquests became in Greece and Asia, the more rapidly did luxury increase; yet still some vigorous characters preserved themselves untainted by this corrupting vice (*Cic. pro Muræn.* 36.; *Liv.* xxxix. 19. 44.; *Gell.* xiii. 22.), which ultimately decomposes all highly civilised states of society.¹

¹ "Nevertheless," says Montesquieu, "whatever might be the corruption of Rome, all misfortunes were not introduced at once, for the force of its institutions was such that it preserved a heroic valour and all its application to war in the midst of riches — of effeminacy and of pleasure: a circumstance which, I believe, has happened to no other nation of the world (p. 92.) In the civil wars, which continued so long a time, we remark that the power of Rome was continually on the increase without. Under Marius, Sylla, Pompey, Cæsar, Antony, Augustus — Rome, every day more formidable, achieved the destruction of all the kings that remained (p. 102.) Civil war never fails to bring out talent of every description, and to create a military enthusiasm amongst all classes which must be formidable to foreign nations upon the return of peace" (p. 102.).

Numerous notices of the ancients inform us with what splendour and magnificence public and private edifices were built, not only during the republic, but also in the time of the emperors. (*Plin.* xxxiii. 3., xxxvi. 6.; *Vitruv.* vi. 8., vii. 3, &c.) Not merely the rich, but even the poor participated in this extravagance; for every one who offered himself as a candidate for any public office was compelled to procure the popular favour by distributions of money and corn; by the exhibition of public shows, and by magnificent banquets. (*Cic. pro Muræn.* 36.; *in Verr.* i. 8., iii. 92.; *pro Mil.* 35.; *Liv.* xxxiii. 42., xxxvi. 2., xl. 19.) The distributions of corn, the public exhibitions and banquets, which were defrayed partly at the cost of the state, and partly at the expense of private indi-

viduals (when they undertook the office of *ædile*), were particularly gratifying to a populace which hated all labour, but whose pride was sufficiently elevated by the extent of Roman dominion, and the greatness of Roman glory. The emperors also kept up these customs for the sake of retaining the great mass of the people under their power; the avaricious Tiberius, however, formed an exception. (*Suet. Tib.* 47.) Under Constantine the Great, the Egyptian corn-vessels, which had hitherto been destined for Rome, were brought to the eastern capital, (*Claudian de Bello Gildonico.*)

Besides the *Negotiatores*^m, the money business was also conducted by the *Argentarii*, with whom individuals opened accounts (*mensæ rationes, tabulas accepti et expensi*), and by whose intervention (*in foro, et de mensæ scripturâ*) money was paid.ⁿ The *argentarii* attended in particular to the payments of Roman citizens living in the provinces, as they might become due at Rome. (*Cic. ad Quint.* ii. 12.)^o The *Mensarii*, on the other hand, were the bankers of the republic (*Lex Minucia*, 537), and were created for the purpose of abating usury: — “*Novi consules, fenebrem quoque rem*” — “*levare aggressi, solutionem alieni æris in publicam curam verterunt.*” (*Liv.* vi. 21.) Under the emperors, the two words were used without distinction. Thus C. Octavius, the father, is called *argentarius*, *Suet. Aug.* 3., and *mensarius*, *ibid.* c. 4. fin. (*Ramshorn's Synonymik*, 145.) *Trapezita* (τραπεζίτης, from τράπεζα, *mensa*) is the Greek word for banker, confined, however, to the more ancient writers. (*Plaut. Curc.* 2. 3. 66.; *Capt.* 1. 2. 90.)

^m The principal business of the *negotiatores* consisted in lending money upon interest to the inhabitants of the provinces; by which means they were enabled to realise a larger profit (the *Lex Sem-*

pronia de fenore, 560, was aimed at this), as they were not limited there by any laws.

^a The security which a creditor received from a debtor for due payment was termed *fiducia*; — *Pecuniam adolescentulo, grandi fenore, fiduciâ tamen acceptâ, occupavisti. Hanc fiduciam commissam tibi dicis; tenes hodie ac possides.* (Cic. Flacc. 21. 51.)

^u The first and most general prayer of all, says Juvenal, is

————— *Crescant ut opes, ut maxima toto
Nostra sit arca foro* ————— (24, 25.)

As a payment was effected by writing down the sum and subscribing the person's name in the banker's book; hence, *scribere nummos alicui*, to promise to pay; *rationem accepti scribere*, to borrow; and hence *nomen* is put for a debt, the cause of a debt, or for an article of an account: *nomina facere*, to contract debt; *rationum nomina*, articles of accounts.

The *Feneratores* were individuals who lent money upon interest (*usura* — *pecuniam ponebant in fenere*, usually above the legal rate, or 12 per cent. Cic. *ad Att.* vi. 1. in *Verr.* iii. 71.; i. e. *usura centesima*, because at the rate of an *as* per month, the interest in 100 months would be equal to the principal). The capital was termed *sors*, *caput*; the interest, *usura*, *fructus*, and *fenus* (applied also to the capital). The borrower was said *versuram facere*, and if he paid the debt by contracting a fresh loan, he was said *versurâ solvere*.^p When money was lent upon security or mortgage (*pignus*), it was said to be done *pignoribus oppositis*. The year of ten months was in use for the payment of loans (*Niebuhr*, i. p. 514.); and the interest was usually paid on the Calends 4, hence called *tristes*. (Hor. *Sat.* i. 3. 87.) “In the time of Augustus, the government, in order to check the evil of usury, converted the confiscated property of criminals into a fund, from which sums were lent for stipulated periods, free of interest, to those who could give security for double the amount.” (*Suet. Aug. et Tib.*; *Tac. An.* vi. 17.)

^p *Vereor, ne illud, quod tecum permutavi, versurâ mihi solvendum sit.* (C. *Att.* v. 15. 2.) Compound interest was termed *centesima*

renovata, or *anatocismus perpetuus*. The Twelve Tables fixed the rate of interest at 12 per cent. (*fenus unciarium*); yet the poor, says Livy, being overwhelmed by the principal, *nerum inibant* (vii. 19. 5.); i. e. surrendered their liberty to the creditors. In the year 408 it was reduced to 6 per cent.

⁴ Hence *Calendarium* is used for the book in which creditors entered an account of their capital and the interest of the respective loans: *Nemo beneficia in Calendario scribit; nec avarus exactor ad horam et diem appellat.* (Sen. Ben. i. 2.) A law, by the emperor Claudius, prohibited usurers from lending money to minors on condition of being paid after the death of their parents. (*Tac. Ann.* xi. 13.) So the usurer in Horace

Nomina sectatur ——— sub patribus duris tironum.

(Sat. i. 2. 16, 17.)

The law of Claudius is supposed to be the same with the *Senatus-consultum Macedonianum* (Ulpian). We may observe that *Calendæ* is properly spelt with a C., the K. being used only when it stands as an initial. So K. stood as an initial for *Calumniæ*. (p. 197.)

CHAPTER XXXVII.

DOMESTIC OR PRIVATE LIFE OF THE ROMANS.

LUXURY IN BUILDING. — CONSTRUCTION OF ROMAN HOUSES. — RITES OF MARRIAGE. — CONFARREATIO, COEMPTIO, USUCAPPIO. — NUPTIAL. — BRIDAL DRESS, PROCESSION. — CÆNA NUPTIALIS.

THE domestic or private life of the Romans was modified by their military conquests, and raised through the influence of Greek and Asiatic manners from the highest state of simplicity to the highest state of luxury; for the whole Roman people, being masters of whatever was obtained by conquest, disposed of it according to their pleasure. The tide of luxury and corruption first broke in after the conquest of Carthage, Corinth, Macedonia, and Asia, — exhibiting itself in every department, in the magnificence of their buildings, the extravagance of their banquets, and the costliness of their apparel. As this taste for indulgence naturally affected all the relations of life (and since the ancient vigour and simplicity and earnestness never entirely disappeared from the Roman character), it gave rise to peculiarities, the reasons of which have been frequently mistaken, and have occasioned erroneous opinions respecting the private life of the Romans.

The progress of luxury was particularly manifested in the *houses* of the Romans. From the time of the Punic wars, the humble cottages of their ancestors were gradually superseded by splendid and magnificent buildings. These buildings ^a were adorned with porti-

coars; the thresholds with the finest marble (frequently variegated by artificial colouring); and the walls of the different apartments decorated with paintings. "Tessellated pavements were unknown at Rome before the æra of Sylla (*Plin. H. N.* xxxvi. 25.); by Cæsar they appear to have been considered a part of the necessary furniture of a camp." Apartments were built for the different hours of the day and seasons of the year; and all were fitted up with the most costly magnificence. The inconvenience of heating apartments by fire on account of the smoke (for the Romans had no chimneys) was prevented by conveying the heat (sometimes hot water) from a furnace below (*hypocaustum*), by means of tubes or canals affixed to the walls. (*Senec. Ep.* 90.; *de Provid.* 4.) As glass was not as yet used for windows, the deficiency was compensated by the use of the *lapis specularis*.

* Luxury in building made but slow progress at its first commencement. The censor L. Crassus, who first erected six pillars of Hymettian marble in the *atrium* of his house, was ridiculed as the Palatine Venus. (*Plin.* vii. 1.) A year after Sylla's death, M. Lepidus, who was consul with Catulus, erected a house reckoned by far the most splendid at that period; but thirty years afterwards it was outvied by a hundred others. (*Plin.* xxxvi. 15.) Lucullus carried luxury in building to its highest pitch; he first adorned his buildings with a black Egyptian marble, which received after him the name of Lucullian. (*Vell. Pat.* ii. 23.) Cicero's house, which cost *HS vicies* (see p. 283.), was distinguished by a portico 300 feet in length. Cicero possessed beautiful villas in the neighbourhood of Rome, and kept up a constant correspondence with Atticus while in Greece, in order to procure various works of art for their decoration. (On *Mamurra*, see *Plin.* xxxvi. 6.) The fairest and most fertile regions in Italy were covered with extensive pleasure-grounds, laid out in a style of luxurious magnificence. The most splendid aviary (*ornithon*) belonged to Varro. (*R. R.* iii. 3. 5.)

The principal parts of a Roman house^b were the *Atrium*, where the nobility placed the images of their ancestors, and clients used to wait on their patrons.^c It later times it appears to have been divided into

different parts, separated from one another by hangings or veils (*vela*), into which persons were admitted according to their different degrees of favour; whence they were called *amici admissionis primæ, secundæ, v. tertiæ*. Here too was the hearth (*focus*), around which the images of the *Lares* were placed. Wood well dried and anointed with the lees of oil, to prevent smoke, was termed *ligna acapna* (*a neg.* and *καπνός*, smoke). The *Impluvium* was that part of the *atrium* where the rain-water fell, and which admitted light from the *compluvium* (*compluvii lumen*). The sleeping apartments were termed *cubicula dormitoria* v. *nocturna*, for there were also *cubicula diurna* for reposing in the daytime. Any room or apartment in the inner part of the house was called *conclave*, which is sometimes put for the *triclinium*.

^b The doors of the Roman houses opened into the street (the *publicum*) ; and when any one went out, he struck the door on the inside, to give warning to those without ; hence *crepuit foris, concrepuit a Glycerio ostium*, the door of Glycerium is about to be opened. (*Ter. And.* iv. 59.) This the Greeks called *ποσειδὸν δῖπαι* ; knocking from without *κόπτειν, κρούειν, pulsare*.

^c *Qui imagines in atrio exponunt, et nomina familiæ suæ longo ordine, ac multis stemmatum illigata flexuris, in parte primâ ædium collocant ; noti magis, quam nobiles sunt.* (Seneca, *Benef.* iii. 28.) The excavations at Pompeii, and later researches concerning the internal arrangement of Roman houses, have led to views on this subject different from what have hitherto been received. The *vestibulum* has hitherto been considered as an empty space before the gate ; but Mazois (*Essai sur les Habitations des anciens Romains*) has proved, from incontestable evidence, that the *vestibulum* was nothing else but one or more front apartments, to the side of the entrance, destined for the reception of those who came before the interior of the house was opened. The principal entrance of the house (frequently ascended by steps) was closed by an outer door ; the space betwixt this outer door and the inner one was termed *Prothyrum* by the Romans — *Dialthyrum* by the Greeks. (*Vitr.* lib. 10.) Through the inner door one proceeded without interruption into the *atrium*, which (as it was surrounded on all sides with edifices, *ædes*) was termed *cavum ædium*, or *cavædium*. As the rain-water here streamed on every side from the roof, a *compluvium* was attached to the wall of the *ædes* as a protecting roof against the weather. As the *compluvium* might be built in different

fashions, hence the *atrium* was divided into *atrium Tuscanicum* (merely supported by beams), *Corinthium* (where the *compluvium* was supported all round with pillars), *tetrastylum* (where the beams of the *compluvium* were supported merely by four pillars placed at the corners), *testudinatum* (where the roof was of a vaulted form). The water was carried off from the *impluvium* by subterranean pipes. To the back of the *atrium*, the building separated into two wings (*alæ*). The *Oecus Corinthius* or *Cyzicenus* was an apartment splendidly adorned, in general, with paintings; this opened, to the back, into a magnificent and extensive peristyle surrounded by walks (*ambulationes*) and green places (*viridaria*), so that this portion served as a garden. There were two other apartments on both sides of the *oecus*—a species of *salons* for conversation (*exedrae*). In the houses of the distinguished we also meet with apartments for the library, baths, sleeping (*dormitoria*, *cubicula*), slaves (*cellæ familiæ*), cellars (*hypogæa concamerata*). Houses of small size usually consisted of many stories (*tabulata*); and, as the apartment for taking meals was situated above the ground-floor, hence all the apartments of this story were termed *cœnacula* (ὀρεράα). Here the poet Martial (i. 118.) had his lodgings.

The eating apartments were called *Cœnationes*, *Cœnacula* v. *Triclinia*; a parlour for supping or sitting in was called *Dieta*; an apartment for basking in the sun was called *Solarium* or *Heliocaminus* (individuals so basking were said *sole uti*); a garret was termed *cœnaculum*. The roofs seem to have been generally of an angular form, the highest part of which was called *fastigium*; hence *operi fastigium imponere*, to finish; *Curatio altior fastigio suo*, a charge superior to his rank. (*Liv.* ii. 27.) The Romans in later times adorned the pavements of their houses with small pieces of marble of different kinds and colours (*pavimenta sectilia*, *emblemata vermiculata*), or with small pebbles dyed in various colours (*pavimenta tessellata*), in after-times called *opus museum* v. *musivum*, Mosaic work. The ceilings (*Laquearia* v. *lacunaria*) were often adorned with ivory, gilt (*aurea*, *inaurata*), and painted. The lamps of the ancients (ἀλχνοι, ἀλχνια, in silver, bronze, or Terracotta) are objects of great curiosity to the Archæologist.



Through adherence to ancient manners, some peculiarities in the domestic life of the Romans did not disappear even in the most corrupt and degenerate periods. The father of the family (*paterfamilias*) was master in the house and had power over his children^d, so that their personality was not recognized until they were released from the *patria potestas*. With young men this happened at the time of their assuming the *toga virilis*, and with young women at the time of their espousals (*sponsalia*); for neither were allowed to marry without the consent of their parents. A legal marriage (*justum matrimonium*) could only take place between *gentes*. The union of an *ingenuus* with an *ingenua* was termed *connubium*.^e The marriage-union

founded itself upon an agreement (*conventum et pactum*) of the man with the father of the bride; whereupon the espousals (*sponsalia*, *spondere*, *sponsa*, *pacta*) took place. The dowry (*dos*) was fixed; the conditions settled (*tabulæ adsignabantur*); and the rings (*annuli pronūbi*) were exchanged.

^d If a child was weak or deformed, the father could expose it; and this cruel custom continued under the emperors. (*Suet. Octav. 65.*; *Cafig. 5.*) When he was grown up the father could scourge, imprison him, or sell him as a slave (see p. 82.) A son could acquire no property without the consent of his father; and this was termed *peculium*. If a father wished to release his son (*emancipare*), he brought him before the prætor, and sold him three times *per æs et libram* to a friend, called *Pater Fiduciarius*. Five Roman citizens, an *antestatus* (or witness) and a *libripens* were present; when the transfer was made the *libripens* struck the balance (*libram*) with a coin (*ære*), and gave it to the natural father by way of price, who manumitted the son.

Connubium habent cives Romani cum civibus Romanis; cum Latinis autem et peregrinis ita, si concessum sit, cum servis nullum est connubium. (Ulpian Regular. Tit. 6.)

— *Conjuge barbarâ*

Tuavis maritus vixit —

(Hor. Od. iii. 5. 5.)

The *nuptiæ* (scil. *feriæ*) could only take place in the *connubium*. (Heinec. Ant. Rom. Synt. l. i. tit. x.) The *Lex Papia Poppæa* (762 — enforcing and enlarging the *Lex Julia* or “*Lex Marita*” (Hor. Carm. Sec. 20.) of Augustus), communicated a greater freedom. According to this law, none but senators, with their sons and grandsons, were prohibited from marrying a freed-woman or an actress. But the Romans first received full permission to marry foreign women after Caracalla had communicated the rights of citizenship to all the free-born inhabitants of the empire. In the Twelve Tables, marriages were prohibited between the patricians and plebeians, but this limitation was abolished by the *Lex Canuleia* (A. U. 309). When a patrician lady married a plebeian, she was said *patribus enubere*. After the passing of the *Lex Papia Poppæa*, the woman who cohabited with a married man still retained the name of *pellex*; but she who lived with an unmarried man was dignified with the more honourable titles of *amica*, *concubina*.

The marriage ceremonies (*nuptiæ*) were performed in different manners. The most ancient and solemn form of marriage was the *confarreatio* (because they ate a cake, *farreum libum*), performed by the *Pontifex*

M., or *Flamen Dialis*, in the presence of at least ten witnesses, and accompanied with sacrifices. By it a woman was said to come into the power of her husband by the sacred laws (*in manum*, i. e. *potestatem viri convenire*). She thus became partner of all his substance and sacred rites; if he died intestate, and without children, she inherited his whole fortune; or if he left children, she had an equal share with them.^f The marriage by *Coemptio* resembled a purchase, since the bridegroom gave a piece of money to the father of the bride. (*Cic. pro Muræ.* 10.) The effects of this rite were the same as of the former. The woman assumed the name of her husband together with her own, as *Antonia Drusi*, *Domitia Bibuli*, *Catonis Marcia*; the goods which she brought to her husband, in addition to her dowry, were called *Parapherna* or *bona paraphernalia*. Marriage by means of *Usucaptio* took place when a woman had lived in the house of a man longer than a year (*matrimonii causa*), and thus became his lawful wife by prescription (*usu capta fuit*).

^f In this respect the *materfamilias* (as she was termed) was distinguished from the *matrona*; *quoniam non in matrimonium tantum, sed in familiam quoque mariti et in sui heredis locum veniebat*. (*Gell. xviii.* 6.) The civil wars, including the social war (or war of the allies), the wars between Marius and Sylla, Cæsar and Pompey, the Triumvirs and conspirators, and, in fine, between Augustus and Antony, had so far diminished population that it was found necessary to promote it by an express law — the *Lex Papia Poppæa de maritandis ordinibus* (A. U. 762). By this law, whoever had three children in the city (*ius trium liberorum*) was entitled to certain privileges and immunities. These privileges were an exemption from the trouble of guardianship, a priority in bearing offices, and a treble proportion of corn. Those who had children could receive a legacy entire (*legatum omne v. solidum capere*), and also, what would otherwise have fallen (*caducum*) into the exchequer; hence Plutarch observes that many Romans married in order that they might be capable of inheriting the estates of others.

The legitimate marriage (*nuptiæ*) was not performed without consulting the auspices (see p. 27 note.), and

offering a sacrifice to Juno (*pronuba, quod nubentibus præset*). Neither was it performed on any unlucky days, as the kalends, nones, and ides, and the days which followed them, but particularly the whole month of May: *Mense malum major nubere vulgus ait.* (Ov. Fast. v. 490.) On the wedding-day the face of the bride was covered (*nubebatur*) with a saffron-coloured veil (*flammeum* v. *-us*); hence *nubere* sc. *se viro*, to marry (literally to *veil herself for*) a husband — *dare* v. *collocare filiam nuptum* v. *nuptui*, to dispose of a daughter in marriage. Her girdle (*zona*) was fastened in a knot (*Herculeus nodus*), which was loosed by the bridegroom. Her hair was divided into locks with the point of a small spear, *Comat virgineas hasta recurva comas.* (Ov. Fast. ii. 560.) After the performance of the marriage ceremony, she was conducted in the evening (*ducebatur* v. *deducebatur*, hence *ducere uxorem*, to marry a wife,) to her husband's house — being attended by three boys (*Paranymphæ*, Augustin. de Civ. Dei, xiv. 18., whose parents were still living), and preceded by lighted torches (*faces nuptiales, maritæ*). A great number of friends and relations attended the marriage ceremony (*pompam nuptialem ducebant*). A boy named *Camillus* carried in a covered basket (*cumerum* v. *-a*) the bride's utensils (*nubentis utensilia*), and playthings for children (*crepundia*).

* *Nubit genero socrus, nullis auspiciis, nullis auctoribus, funestis ominibus* (Cic. Cluent. 5.) — without consulting the auspices — without the presence of elders, relations, guardians (*auctores*), who subscribed their names as witnesses of the marriage contract, and thereby rendered it valid: —

Veniet cum signatoribus auspex. (Juv. x. 336.)

When the bride came home, being asked who she was, she answered, *ubi tu Caius, ibi ego Caia* (referring to *Caia Cæcilia*, or Tanaquil, wife of Tarquinius

Priscus); intimating that where her husband was master she was mistress. Upon her entry she received the keys of the house; a distaff, as the symbol of her domestic duties. The bride bound the door-posts of her husband with woollen fillets, and anointed them with the fat of swine or wolves, to avert fascination or enchantment, whence she was called *uxor quasi unxor*. (Serv. Virg. *Æn.* iv. 458.) According to an ancient custom nuts also were scattered amongst the people assembled; hence *nuces relinquere*, to leave trifles and attend to serious business. The husband gave a feast on the occasion (*cæna nuptialis*), and presented a sum of money to the bride in a plate^b; those who were guests were said *ad officium venire*. The matrons who conducted the bride to the marriage bed (*genialis lectus*) were termed *pronubæ*; and the songs sung on the occasion were called *epithalamia*. Small presents (*apophoreta*) were distributed among the guests; on the following day another entertainment (*repositia*) was given, which the bride concluded with performing sacred rites.

^b

— Lance beatâ

Dacicus et scripto radiat Germanicus auro.

(Juv. vi. 204, 205.).

The *Dacicus* and *Germanicus* were gold coins struck in commemoration of victories over the Dacians and Germans.

CHAPTER XXXVIII.

DOMESTIC OR PRIVATE LIFE OF THE ROMANS.

LIBERTY OF DIVORCE. — CEREMONIES USED IN IT. — CONDITION AND CHARACTER OF ROMAN WOMEN. — FEMALE EDUCATION. — EDUCATION OF BOYS. — ROMAN CHARACTER.

IN the case of a divorce, which was permitted to the husband (*divortium*^a), not however without just cause (*Festus in sonticum*) the husband took the keys from the wife, telling her to collect what belonged to her, and depart: *res tuas tibi habeto*, or *collige sarcinas: exi, vade foras*. If the husband was absent he sent his wife a bill of divorce (*nuncium remittebat*); and this was called *renunciatio matrimonii*. If a wife had been guilty of infidelity, she forfeited her dowry (*Val. Max.* viii. 2, 3.^b); but if the divorce had been made without any fault of hers, her dowry was restored to her, usually at three different payments (*tribus pensionibus*), as the husband had generally so received it. In the later ages of the republic, the liberty of divorce was permitted to women, who exercised it so frequently and with so little shame, that Seneca says they reckoned their years, not from the number of consuls but of husbands (*de Benef.* iii. 16). So Juvenal: *Fiunt octo mariti quinque per autumnos*, vi. 228.

^a *Inter DIVORTIUM et REPUDIUM hoc interest, quod repudiarii etiam futurum matrimonium potest (i. e. the espousals might be broken off), non recte autem sponsa divortisse dicitur; quod divortium ex eo dictum est, quod in diversas partes eunt, qui discedunt.* (Paulus in Digest. l. 16. 191.) No divorce was valid, unless the formality was gone through in the presence of seven Roman

citizens, besides a freedman of the individual making the divorce. (*Id. de Div. ix. ff R.*)

^b Augustus enacted a law (*Lex Julia de Adulteriis*) on this subject, by which adulteresses lost one half of their dowry, and the third portion of their remaining property, and were banished to an island. Domitian rendered them incapable of receiving any legacy (*Suet. Domit. c. 8.*), and prohibited them the use of *lecticæ*.

A marriage contracted by *confarreatio* was dissolved by a sacrifice called *diffarreatio*; that contracted by *coemptio* was dissolved by a kind of release called *remancipatio*. The man was said *dimittere uxorem* (*ἀποτίμειν*), and the woman *ἀπολείπειν*, *relinquere* v. *deserere virum*. Since second marriages were not considered so respectable as a state of widowhood, hence *univira* (i. e. *uni nupta*) often occurs in ancient inscriptions as an epithet of honour. Though the Romans were permitted to keep concubines (*contubernium*), yet the children were termed *naturales*, and had no legal rights. Children, sprung from the intercourse of freemen with slaves, were termed *hybridæ*.^c

^c The children of a legal marriage were termed *legitimi*. The children of a Roman citizen and a foreign woman were called *hybridæ*, or *ibridæ*; and their condition was little better than that of slaves. (*Liv. xliii. 3.*) Marriage between persons nearly related, as brothers and sisters, uncles and nieces, &c., was prohibited, and termed *incestus* or *-um*. (*Suet. Claud. 26.; Nero, 5.*)

Although but few notices have come down to us relative to the condition of women, yet it would appear that they did not long preserve their ancient simplicity^d, after the Romans had once become acquainted with the luxuries of life.^e Although the care of the house was their province, and spinning and weaving their chief employments^f, yet we find that, in after-times, women of rank became so luxurious and indolent, that they thought this attention below them: — *Nunc, pleæque sic luxu et inertid defluunt, ut ne lanificii quidem curam suscipere dignentur.* (Columel. xii. præcæm. 9.). In

the time of the Punic wars, the tribune C. Oppius proposed a law against the extravagant dress of women (*mundus muliebris*), which was carried, but did not continue long in force. (*Liv.* xxxiv. 1. *sq.*)

^d *Majores nostri nullam, ne privatam quidem, rem agere feminas sine auctore* (see note p. 299) *voluerunt; in manu esse parentum, fratrum, virorum.* (*Liv.* xxxiv. 2.) The guardianship over women was either *pupillaris* (continuing till they were marriageable), or *perpetua* (after that term). As they could do nothing without the consent of their guardians, the individuals acting as guardians were said *interponere auctoritatem*. The guardianship over women terminated when they came into the power of the husband (*conventionem in manum*), or when they had borne three or four children (*jure trium v. quatuor liberorum*).

^e As women, according to the *Lex Voconia* (A. U. 594), could not inherit *ab intestato*, and widows could only receive a tenth part of the husband's property — the law was evaded by leaving the inheritance to a friend (*heres fiduciarius*), with a prayer that he would give it to such persons as could not legally inherit. Such an inheritance was termed *fideicommissum*.

^f Hence the qualities of a good wife: *probitas, forma, fides, fama pudicitiae, lanificæque manus.* (*Auson.* Par. iii. 3., xvi. 3.) The distaff was termed *colus*; the spindle, *fusus*; the loom, or at least that part of it to which the web was tied, *jugum* (in this form II); the treadles, *insilia*; the shuttle, *radius*; the yarn-beam, *scapus*: —

Insilia ac fusi, radii scapique sonantes. (*Lucret.* v. 1352.)

The threads inserted into the warp were called *sublemen* (the woof,) and the instrument which separated the threads of the warp, *arundo*. From the operation of spinning and weaving, *filum*, a thread, is often put for a style or manner of writing, and *ducere*, or *deducere*, to compose: —

Tenui deducta poemata filo. (*Hor.* Ep. ii. 1. 225.)

Also, *texere*, and *subtexere*, to subjoin.

This effeminacy naturally affected the education of daughters, which devolved upon the mothers, but frequently passed into the hands of female slaves, who lost no opportunities of corrupting their morals. (*Plaut. Mercat.* ii. 3.) The female sex was so much devoted to the public games, that Augustus found it necessary to restrict them in that respect. These regulations, however, were so completely obliterated under the suc-

ceeding emperors, that the public games appear to have been the schools of female licentiousness (*Juv. vi. 63. sqq.*)—*ruit in celebres cultissima femina ludos* (Ov.). In the private life of the Romans we every where miss the reserve and modesty of the Grecian women; and the progress of corruption must have been so much the more rapid, as mothers assumed the task of initiating their daughters by example as well as by precept. Juvenal (vi. 186.) lashes the fondness which the young ladies of his time manifested for Greek literature and accomplishments.

The education of boys, in the earliest as well as the latest periods, was always directed to the development and formation of their character as citizens or members of the body politic. During the first five centuries (from the building of the city to the first Punic war), the whole administration and education of the Romans were military, and their efforts were merely directed to the aggrandisement of the state. Before the Romans became acquainted with the Greeks, education was confined to the learning of the Twelve Tables (*discebamus enim pueri xii. Tab. ut carmen necessarium*, Cic. de Legg. ii. 23.) of political maxims, and of ancient poems in which heroic actions were celebrated.

Particular attention, was paid to the development of the physical ^s system; for the first appearance of the young Roman was necessarily on the theatre of war. (*Cic. de Leg. ii. 23; Nonius v. assa.*) Thus education attained its noblest object; the individual was completely modified by its influence; and its benefits may be estimated from the high esteem in which youth was held, even to a late period. (*Tac. Ann. iii. 31.*) After the Romans became acquainted with the Greeks^b, education was conducted after the Grecian fashion. A love for the sciences was particularly awakened by the

conquest of Magna Græcia, Etruria, and Sicily, towards the end of the first Punic war. A more intimate acquaintance with these countries, and the arrival of many rhetoricians, philosophers, and poets, exerted a very beneficial influence upon the national taste.

^c We have no longer a just idea of the exercises of the body ; a man who now pays too much attention to them appears contemptible, because the greater part of these exercises have no other object but pleasure or ornament ; whilst among the ancients every thing, even dancing, formed a branch of the military art. Those who criticise Homer because he ordinarily extols in his heroes strength or agility of body, ought to find fault with Sallust, who praises Pompey because " he leaped, ran, and carried a burden as well as any man of his time." *Montesquieu*, p. 18.

^b The Romans, however, were at first very jealous respecting the Greek philosophers and rhetoricians. A decree of the senate was passed, A. U. 593, banishing them from the city ; this prohibition was renewed by the censors (662), and included also the Latin rhetoricians. We may observe that the *rhetores*, who taught the art of oratory, were constantly distinguished during the earlier period of Roman eloquence from the *oratores*, or orators, properly so called.

The boys were now placed under the superintendence of a slave (*pædagogus*)¹ ; from a very early age they were instructed in the schools of the grammarians in those sciences which bear an immediate relation to active life, as rhetoric and philosophy. An acquaintance was also zealously cultivated with those national poets who did homage to the taste of the age (*Manso Verm. Abhandl.* p. 97. *sqq.*) ; and the youth were now instructed in the Greek language. A knowledge of this language was so much the more necessary, as they were withdrawn from the care of the *pædagogi* when they had assumed the *toga virilis*, in their seventeenth year, and were sent to Greek cities (*Athens, Antioch, Marseilles, &c.*), in order to pursue for a longer period the uninterrupted study of philosophy, of which Cicero and Octavianus are celebrated instances. This attachment to Greece appears to have been very general.

(*Hor. Ars Poet.* 268.) Yet corporal and military exercises were not neglected; even the adult devoted their attention to them; recommending themselves, by these means, to the favour of the people.

¹ The *pædagogus* only attended to elementary education; the *præceptores* to education proper. (Cf. *Quintilian*, i. i. 7.) To such public teachers belong also the *literati* (properly *interpretes poetarum*, the *γραμματικοί* of the Greeks). The most celebrated of the Roman schools was the *Athenæum*, founded by the emperor Hadrian, and maintaining itself, under the name of *schola Romana*, to the time of the first Christian emperors. It was a large building, in which the Roman youth not only were educated, but poets and rhetoricians were in the habit of reciting and declaiming. "The Romans then, like the Greeks, had their public recitations, their lecturers, their literary conversazioni and banquets; and, as among the Greeks, the sciences were not split into particular faculties and departments (*disciplinæ*). The knowledge, considered indispensable for every Roman of respectable standing in society, was comprised under the title of *artes liberales, studia humanitatis*." (Eschenburg. p. 67.) From the time of Vespasian a fixed salary (*annua centena*, 100,000 sesterces annually for each, *Suet. Vespas.* 18.) was paid out of the treasury to the Greek and Latin rhetoricians; so that we now meet with regular teachers or *professors* (hence *profiteri, professio*)—stipendiary upon the state, amongst whom Quintilian is particularly worthy of notice. This example was followed by Hadrian in the foundation of the *Athenæum*, as well as Antoninus Pius, who extended the regulation of Vespasian to the teachers of philosophy, and salaried rhetoricians and philosophers as public teachers throughout the provinces. His successor, Marcus Aurelius, manifested no less zeal: and thus we see public schools, after the example of Rome, established in the most important cities of the Roman empire, in Italy, Gaul, and Africa. The *curriculum* of study embraced grammar (*i. e.* philology and criticism in the ancient sense of the word; see *Hoffman*, p. 41.), rhetoric, and philosophy, and, in later times, medicine and jurisprudence.

Nunc totus Graias nostrasque habet orbis Athenas.

(*Juv.* xv. 112.)

Private education was principally confined to the solution of theses and problems (*solvere questiones*). Baehr's *Geschichte*, &c., p. 40, 41.

Thus the education of the Romans was characterized by a spirit completely practical, and hence their literary performances are essentially distinguished from those of the Greeks. Hence art, too, and the works of art,

were only esteemed at Rome in so far as they served to gratify the senses, or communicate to external life that splendour which appeared worthy of a Roman, in possession of unbounded riches, and ruler of the world. The images (which were transmitted from generation to generation) in the house of every great man, ennobling their possessor, contributed very much to develop those heroic sentiments whose achievements have justly constituted the wonder of posterity. (*Plin.* xxxv. 3.; *Sall. Jug.* 4. *Bernhardy on Roman education*, in his *Grundriss d. Röm. Litt.* p. 12. *sqq.*) Thus the popular character rested upon education.

CHAPTER XXXIX.

DOMESTIC OR PRIVATE LIFE OF THE ROMANS.

ROMAN DRESS. — TUNICA, ZONA. — TUNICA ANGUSTICLAVIA, LATI-
CLAVIA. — SHAPE OF THE TOGA. — COLOUR. — TOGA PRÆTEXTA. —
CEREMONIES ON THE ASSUMPTION OF THE TOGA VIRILIS. — OTHER
GARMENTS.

IN the earliest times the clothing of the simple and hardy Romans formed merely a necessary protection against the inclemency of the weather; and by the signs or distinctions attached to it, served to discriminate one class or order of men from another. The simple dress of the citizens consisted of the *tunica* (*tunica exterior*), a white woollen vest, which was narrow and without sleeves, reaching down to the knees, and fastened by a girdle or belt (*cingulum, cinctus, ūs, zona, balteus*). Tunics, with sleeves (*chirodōtæ, manicatæ*), and reaching down to the ancles (*tulares*), were at first considered effeminate; though, under the emperors, they were worn also with fringes at the hands (*ad manus fimbriatæ*).

As it was thought effeminate to appear abroad with the tunic slackly or carelessly girded (*discinctus*); hence *discinctus nepos*, a dissolute spendthrift; *discincti Afri* (Virg. *Æn.*, viii. 724.), the *effeminate* Africans, for the Africans wore no girdle (*Plaut. Pæn.* v. 2. 28.); and hence the saying of Sylla, concerning Cæsar, to the *optimates*, who interceded for his life, *ut malè præcinctum puerum caverent*. (Suet. *Jul.* 46.) As money was carried in the zone or belt (*incinctus tunicam*

mercator, Ov. Fast. v. 675)^a, hence Horace, *Ep.* ii. 2. 40., "The man will go any whither, *qui zonam perdidit*, who has lost his purse;" and Juvenal uses *discingo* for *to rob or plunder*:—"Cum *tenuēs nuper Marius discinxerit Afros*." (Sat. viii. 120.) Under the tunic the Romans wore another woollen covering *Subucula*^c (*tunica interior*, in later times *interula*), afterwards made of linen. The under-vest of the women was termed *Indusium*. (Hor. *Ep.* i. 1. 95.; Varro de L. L. iv. 30.)

^a *Zona* answers to the Greek *μασώβριον*. (Isidor. Orig. xx. 9.)

^b Compare also Martial (xii. 29.):—

———— *metios discingere lectos,*
Mensarumque pedes non timet Hermogenes.

^c *Posteaquam binas tunicas habere cœperunt, instituerunt vocare Subuculam et Indusium.* (Varro apud Non. xiv. 36.)

As the poor were obliged to content themselves with the *tunica* alone, hence they are called *Tunicatus populus*, or *Tunicati*. The tunics of the senators were distinguished by a broad stripe of purple (*clavus*), and those of the knights by a narrow one: the former being termed *tunica laticlava*, and the latter *tunica angusticlava*. Or rather there were two stripes (*fasciæ*, *plagulae*) binding the two sides of the tunic where it opened in front, so that, when it was drawn close, they met together and seemed to form a single stripe (*μασσοκάρφυρον*). Under the emperors, the *tribuni militum* also wore this badge, and were distinguished into *Laticlavii* and *Angusticlavii*. Generals in a triumph wore a tunic wrought in figured palm-leaves (*tunica palmata*), taken from the image of Jupiter (*tunica Jovis*, Juv. x. 38.) in the Capitol.

The *toga*, like the Greek *pallium*, was the national garment of the Romans, so that *togatus* is used for a Roman citizen, and the Romans are called *gens togata*,

although the garment was borrowed from the Etrurians. (*Müller Etrusker*, i. p. 261. *sqq.*) Like the segment of a large circle (*tunica rotunda*, Quint. Inst. xi. 3. 139.), it was wound about in an artificial fold or folds, so that a lappet (*lacinia*) hung down over the right shoulder, leaving the right arm free (*exclusa dextera*), whilst the left was covered; and on this side was formed the *sinus*, or cavity in which things might be carried, and with which the face or head might be covered. Thus there rose upon the breast a mass of folds, termed *umbo*, from its resemblance, probably, to the *umbo* or boss of a shield. The greatest care was paid to the arrangement (*componere*) of the *toga*, particularly by public orators, amongst whom Hortensius distinguished himself in this respect.

The colour of the gown was white (*alba*); when it was rubbed with chalk, it became *candida*, *splendens* (*λαμπρά*, *Polyb.*); and as this was done particularly by those who were suing for public offices, they were termed *Candidati*, and hence Persius took his hint of *cretata ambitio*. (Sat. v. 177.) Those in mourning wore the *toga pulla*; and those who were labouring under an accusation (*rei*) the *toga sordida*. The *toga*, at a later period, particularly from the time of Augustus, was only worn by men of distinction. Amongst the female sex, the *meretrices* and *ancillæ* either adopted or were compelled to wear the *toga*, while the *matronæ* made use of the *stola*; hence *stolatus pudor*, the modesty of matrons. (*Mart.* i. 36. 8.)

Young men, till the period of their assuming the *toga virilis*, and young women, till the period of their marriage, and the children of free-born citizens, wore the *toga prætexta*, so called from its edging (*prætexta*), or purple stripe (*limbus*.) The *prætexta* had the repute of a sacred habit; so Persius calls it *purpura*

custos (Sat. v.), and Quintilian:—"I allege too the sacred habit of the *prætexta* (the robe of priests and magistrates), by which we render the helplessness of childhood sacred and venerable" (*in Declamat.*). Hence *amicitia prætextata* is used for friendship formed in youth (*Mart.* x. 20.); and because at the time of laying aside the *prætexta* upon marriage, *a multitudine puero- rum obscena clamarentur*, — (*Festus*), *verba prætextata* are put for *obscena* (*Suet. Vesp.* 22.), and *mores prætextati* for *impudici v. corrupti* (*Juv.* ii. 170.), or the morals of the fashionable Romans.

In the earlier periods of the republic, the *toga virilis* does not appear to have been assumed till the 17th year was completed^d: *Delectu edito, juniores, ab annis septemdecim, et quosdam prætextatos scribunt.* (*Liv.* ii. 57.) In the latter period of the republic, and during the reign of Augustus and Nero, the *toga* was assumed at the completion of the 15th year. After assuming it the young men might now stand forward as public accusers, attend to public business (*attingere forum*); but it was customary for them, as a mark of modesty, during the first year, to keep their right arm (*cohibere*) within the *toga*. The ancient Romans fought in the *toga*, throwing it back, and winding it round the body; this was termed the cincture of the Gabine fashion (*cinctus Gabinus*); hence the military term, *in procinctu esse*, and hence the testaments of soldiers were said to be made *in procinctu*. The consul also wore the *toga prætexta* in the Gabine fashion, when he opened the temple of Janus. (*Liv.* viii. 9., x. 7.)

^d Varro divides the age of man into five periods. Till the age of 15 he is termed *puer*; from 15 to xxx, *adolescens*; from 30 to xlv, *juvenis*; from 45 to lx he was reckoned among the *seniores*; after that period he was termed *senex*. (*Censorin.* 14.) The Roman writers in general conform to this division. According to the regulation of of Servius Tullius, *pueritia* extended to the 17th

year. From this year to the 46th men capable of bearing arms were called *juniores*, after that age *seniores*. (Gell. x. 28.) With many military service extended to the 50th year (*Liv.* xlii. 33, 34.); and hence they retained the title of *juvenes* till that age.

When a person did any work, he tucked up his *toga* and girded it round him (*succingebat et astringebat*); hence *accingere se operi* v. *ad opus*, or oftener *accingi*, to prepare, to make ready. On holidays and solemn festivals it is reasonable to believe that all persons of any fashion put on new gowns (*peæ*), and those of meaner condition might chalk over their old ones (*trita*)^e; hence they were said *festos* (sc. *dies*) *albatî celebrare*. (Hor. Sat. ii. 2. 61.) Young men at the time of assuming the *toga virilis* (called also *pura*, because it was purely white, and *libera*, because they were then allowed greater liberty^f) consecrated to the *Lares* a golden ball (*aurea bulla*), which they had previously worn suspended from the neck: *Laribus donata pependit*. (Pers. iv. 132.) On this occasion of changing the *toga*, the friends and dependants of the family accompanied the young man to the Forum, in order that he might receive it from the prætor with the customary formalities. They were then invited to a feast, and small presents (*sportulæ*) were distributed among them; whilst the emperors used to give a largess (*congiarium*) to the people. The "manly gown" was usually assumed on the feast of Bacchus, or the 18th of April.

^e *Peæatus pulchrè rides mea, Zoile, trita.* (Mart. ii. 58.)

^f ——— *totâ que impund Suburrâ*

Permisi sparsisse oculos jam candidus umbo. (Pers. v. 32, 33.)

On *Umbo*, see p. 310.

The *toga* of the rich and noble was finer and larger (*laxior*) than that of the less wealthy; hence Horace (*Ep.* i. 19. 13.) speaks of the *exigua toga Catonis*, because it was strait (*arcta*) and coarse (*crassa* v.

pinguis). The *toga trabea*, of purple, and inwrought with golden stripes, was worn particularly by priests and magistrates; the purple *toga* (*toga coccinea*), by knights. As the *toga* was the robe of peace, *togati* is often opposed to *armati* : (*cedant arma togæ*); and as it was chiefly worn in the city, it is sometimes opposed to *Rustici*, Plin. vi. 30. So Martial enumerates among the blessings of life,

Lis nunquam, toga rara (x. 47.):

never to be involved in a law-suit—to be seldom in town. Cisalpine Gaul, when admitted to the rights of citizenship, was called *togata*, for Roman citizens only were allowed to wear the *toga*. As the *toga* was only worn in public, it belongs to that class of garments called *forensia*, *forensis vestitus*.

* Juvenal (xvi. 34.) opposes *armatus* to *paganus*. "The amazing increase of the military order introduced the necessity of a correlative term (*Hume's Essays*, vol. i. p. 555.), and all the people, who were not enlisted in the service of the prince, were branded with the contemptuous epithet of *paganus*." See note in Major's *Adam*, Appendix, p. 524.

The military garment or robe of the Romans was called *sagum* (see p. 235.); the *læna* (*χλαῖνα*) was a travelling robe or mantle; the *penula* was a kind of great coat or surtout, resembling the *lacerna*, but shorter and straiter; it had a hood (*caput* v. *capitium*) as a protection against the weather. The *abolla* was a cloak peculiar to the military; of more costly materials and glowing colours, it was sometimes the distinction of the rich and great. (*Suet. Calig.* 35.; *Juv.* iv. 76.) The women wore the *palla* as an upper garment, with a train (*syrma*); underneath was the *stola*^b, which served as a garment for the house. The Romans at games and festivals wore a conical cap of white woollen stuff (*pileus*); on journeys they used a round cap like

a helmet (*galērus*), or a broad-brimmed hat (*petūsus*), similar to that represented on the statues of the god Mercury; hence *petasatus*, prepared for a journey.¹

² The *tunica* of the women became a *stola* by the addition of a flounce (*instīla*). Indelicate women appear to have dispensed with it. Compare *stolatus Pudor* (p. 310.): —

*Quis Floralia vestit et stolatum
Permittit meretricibus pudorem.* (Martial, i. 36. 9, 10.)

The *Floralia* were celebrated for their indecency. (See p. 49.)

³ The inns along the road, where travellers rested, were called *diversoria*; the keeper (*institor*) of such an inn, if it was rented, was termed *caupo*. From a deficiency, however, of public inns, or of accommodations in them, the Romans, when in foreign countries, were in the habit of taking up their abodes with certain individuals, whom they entertained in turn, when at Rome. Thus a relationship of hospitality (*hospitium*, *ius hospitii*) was formed between the two parties; and they swore everlasting fidelity to each other by Jupiter (hence termed *Hospitalis*, *ξένιος*). A token or symbol (*tessera hospitalitatis*) was exchanged between the two parties; so that, by producing the symbol, the individual might be easily recognised: *Tesseram conferre si vis hospitalem, eccam attuli.* (Plaut. *Poen.* 5. 2. 87.)

CHAPTER XL.

DOMESTIC OR PRIVATE LIFE OF THE ROMANS.

ADJUSTMENT OF THE HAIR BY WOMEN.—COSMETICS.—USE OF SILK.
—COLOUR OF CLOTHES.—TYRIAN PURPLE.—RINGS.—COVERINGS
FOR THE FEET.

THE Roman women anointed their hair with the richest perfumes, and sometimes brightened it (*comam rutilabant* v. *incendebant*) with a certain composition or wash (*lixivo* v. *vd cinere, cinere lixivii*). They frizzled or curled the hair with hot irons (*calamistris, coma calamistrata*), raised it to a great height by rows and stories of curls (*coma in gradus formata*), and fixed the locks (*cincinnos* v. *annulos*), by means of hair-pins (*crinales acus*). An embroidered net or caul

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was used for inclosing the hair behind (*reticulum auratum*); ribands or fillets (*fasciæ* v. *vittæ*) for binding it seem to have been peculiar to modest women: *vittæ tenues, insigne pudoris*. Ov. Am. i. 91.^a The toilet and ornaments of women were termed *mundus muliebris*, their world.

* The ancient Romans, like other uncivilised people, permitted the beard to grow (*Liv.* v. 41.); and hence they were termed *barbati*. About the year 454, a certain P. Ticinius Mænas, or Mæna, brought barbers (*tonsores*, hence *tonstrinæ*, barbers' shops) from Sicily, and introduced the custom of shaving the beard. When young men first began to shave they were said *ponere barbam*; and they usually did this when they had attained their twenty-first year. The day was kept as a festival, and the *prima barba* v. *lanugo*, as well as their hair, was consecrated to a god — generally Apollo.

Paint (*fucus*) was used by the Roman women as early as the days of Plautus (*minium, cerussa, creta*)^b, and also various cosmetics (*medicamina, lenocinia, smegmata*) for the beautifying of the complexion. The most celebrated ointment of this description was the *Poppæanum*, made of asses' milk, and invented by Poppæa, the wife of Nero. The women painted the edges of their eye-lids and eye-brows with a black powder (*collinebant fuligine*); they pulled out small hairs from the cheeks by means of tweezers (*volsellæ*); a patch on the face was termed *splenium* v. *emplastrum*. They wore necklaces (*monilia*), made of gold and set with gems; and also ear-rings (*inaures*) of pearls or precious stones — frequently of immense value: *Uxor tua locupletis domûs auribus census gerit.* (Senec. de Ben. vii. 9.) They wore a broad riband round the breast, called *strophium*, which served instead of a bodice or stays.

^b ——— *Cretata timet Fabulla nimbum,
Cerussata timet Sabella solem.* (Martial, ii. 41.)

Cerussa, ceruse, or white lead, *creta*, chalk, to whiten the skin; and vermilion (*minium, rubrica*) to make it red.

When habits of luxury once became established, the greatest men even in Rome (as Hortensius, Lucullus, Pompey, Cæsar, Antony, Mæcenas, &c.) vied with each other in fastidiousness about their apparel. Nay, the disease had spread so far that slaves could no

longer be distinguished from their masters by their dress. (*Sen. Clem.* i. 24.; *Ep.* 18.) Silk (*vestis serica* v. *bombycina*) was unknown to the Romans till towards the end of the republic; and Virgil is the first Roman writer who has mentioned it. (*Georg.* ii. 121.) Helio-gabalus is said to have been the first who wore a robe of pure silk (*vestis holoserica*); but the price of silk progressively declined from the reign of Aurelian, and Ammianus Marcellinus states (*lib.* xviii. c. 6.) that silk was in his time worn even by the lowest classes (A. D. 370). Some consider the *Sericæ vestes* to be fine cottons, imported from India, through the country of the Seres, in contradistinction from the *bombycina vestes* (of silk) imported from Sina (China), a region much more remote. Thin transparent garments, peculiar to women (though sometimes worn by effeminate men), were termed *multicia* (*quasi multilicia*, of many threads, finely wrought), *Juv.* ii. 66. The *Lex Oppia* (540) restricted the extravagance of female decoration; but this, as well as similar laws (*Gell.* ii. 24.), were borne down by the tide of luxury after the Asiatic conquests.

Clothes were distinguished not only from their different texture and colour, but also from the places where they were manufactured; thus *vestis aurea, aurata, picta*, embroidered with gold; *purpurea, conchyleata*; *Sydonia, Assyria, Phœnicia*^c; *Coa*, fine silk and purple made in the island of Cos; *Phrygiana*, needle-work or embroidery, *Plin.* viii. 48.; *virgata*, striped; *scutulata*, chequered (formed into squares or lozenges; from *scutula*, pieces of stone, diamond-shape, inlaid in tessellated pavements); *Galbana* v. *ina*, green or grass-coloured, worn chiefly by women; hence *Galbanatus*, a man so dressed, and *Galbani mores*, effeminate (*Mart.* i. 97.); *crocota*, a garment of a

saffron colour; *amethystina*, of a violet or wine colour, prohibited by Nero (*Suet.* 32.), as the use of the *vestis conchyliata*, a particular kind of purple, was by Cæsar, except to certain persons and ages, and on certain days. (*Suet. Jul.* 43.) Fine linen (*sindon*) was imported from Egypt and Tyre.^d

Terrâ marique victus hostis Punico

Lugubre mutavit sagum. (Hor. Epod. ix. 27, 28.)

He laid aside his purple or Tyrian robe (*Punico*), and put on mourning (in reference to Antony, after the battle of Actium).

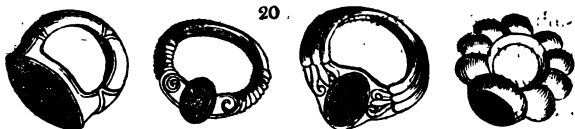
"The beautiful purple of the Tyrians was communicated by means of several univalve shell-fish. Pliny tells us that the Tyrians first dyed their wool in the liquor of the *purpura*, a species of shell-fish, and then in that of the *buccinum* (hence *Tyria dibapha*.)

—"bis Afro murice tincta" — "lanæ."

(Hor. Od. ii. 16. 35.);

whilst, to produce particular shades of colour, carbonate of soda, urine, and a marine plant called *fucus*, was occasionally added. (*Nat. Hist.* vi. c. 36.) The mode of dyeing Tyrian purple was lost for many ages; but it was again revived during the seventeenth century by Mr. Cole of Bristol, and during the eighteenth by Raumur of France. (*Encyc. Brit.*, art. DYEING.) From the name of *coccus* or *-um*, cloth dyed with *kermes* (supposed by Pliny to be the grains or fruit of the *illex*, but nothing more than an insect) was called *coccinum*, and the wearers *coccinati*. (Mart. Epig. i. 97. 6.)

No ornament was more generally worn among the Romans than rings (*annuli*). The senators and *equites* wore golden rings, and also the legionary tribunes during the period of their command, which was six months; hence Juvenal calls these rings *aurum semestris* (see p. 219.). Under the emperors, the right of wearing a golden ring was more liberally conferred; and, at last, it was granted by Justinian to all citizens. (*Novell.* 78.) Rings were set with precious stones (*gemmæ*)^e; and as they were chiefly used for the sealing of letters, wills, &c. (*annuli signatorii*), hence Juvenal speaks of a person who had made his fortune *acquis tabulis et gemmâ* — *add.* by being instituted as



sole of heir in wills (sealed with a ring, *udd*, moistened to prevent the wax sticking to it i. 68.). To these ornaments we may add chains (*torques*), necklaces (*monilia*), bracelets (*armillæ*), ear-rings (*inaures*), and clasps (*fibulæ*).

• Hence —

Lucet sardonychata manus. (Mart. ii. 29.)

Different rings appear to have been worn, according to the season : —

Ventilat æstivum digitis sudantibus aurum ; Juv.

He waves his hand to show off his summer ring (*levis annulus*, Mart. v. 61.).

• This accounts for the wills being brief (*exiguæ*) as in Juv. xii. 124. : —

Omnia soli forsân Pacuvio breviter dabit.

Legacies were left in the last part of the will (*secundis tabulis*, see p. 333.).

Amongst the usual covering of the feet may be reckoned the *soleæ*, sandals, covering only the sole of



Calcei. a, Greek.

b, Etruscan.

c, Roman.

d, Imperial.

the feet, and bound with leathern thongs (*corrigia*, *habena*), and *calcei*, somewhat like our shoes, fastened

with latches or strings (*ligulae*). Under the emperors, shoes were adorned with gold, silver, and precious stones. They were sometimes turned up in the point, called *calcei repandi*. The shoes of soldiers were called *caligae* (see p. 235.); those of comedians, *socci*; those of tragedians, *cothurni* (see p. 67.); and the shoes of senators were adorned with a golden or silver *luna* v. *lunula*, i. e. the letter C (see p. 118.) It was esteemed effeminate for a man to appear in public in slippers (*soleatus*); those who wore slippers were said to be *discalceati* (*ἀντιόδητοι*) *intectis pedibus*.

CHAPTER XLI.

DOMESTIC AND PRIVATE LIFE OF THE ROMANS.

MEALS OF THE ROMANS. — SUMPTUARY LAWS. — PRINCIPAL DISHES.
 — DIFFERENT SORTS OF WINE. — PROCESS OF WINE-MAKING. —
 DRINKING CUPS. — CENA. — CUSTOM OF RECLINING AT MEALS.

IN the earliest periods the Romans lived upon the simplest fare, though, in later times, their banquets and meals were prepared with more than Asiatic luxury. Pottage (*puls*) originally supplied the place of bread, and bakers were first introduced after the war with Perseus. The science of cookery (being left to the lowest domestic slaves) was still in a rude state in the time of Plautus; victualling cooks stood in the market until they were hired; nevertheless good cheer was already introduced, and, being a novelty, was held somewhat in esteem. (*Plaut. Pseud.* ii. 2.; *Mil. Glor.* iii. 1.)

After the Asiatic victories of Manlius, good cheer soon degenerated into absolute gormandizing; so that it was necessary to enact sumptuary laws for the repression of this evil, as the people came intoxicated from their meals to the Forum, to deliberate upon what pertained to the public welfare. (*Macrob. Sat.* xii. 13.) The first law for this purpose was passed at the instance of the tribune of the people C. Orchius (588 A. U.). The *Lex Fannia*, which soon succeeded it (588), fixed the expense of a guest-feast at 100 *asses* (hence the law was called by Lucilius *Centussis*); of a feast on festival days at thirty, and on any other day at ten

These laws (*leges sumptuariae*) were soon succeeded by others, introduced by Didius (610), P. Licinius Crassus (*Lex Licinia*, 656), by Sylla (Cornelia, 672), by Antius Restio (*Antia*, year uncertain), &c. but they were all ineffective. The provinces were compelled to furnish every dainty for the Roman banquets, and even the expense of ordinary meals was by no means trifling. ^a (*Gell.* vii. 16.; *Varro de R. R.* iii. 7.; *Columell.* viii. 8.) — *Vescendi causâ terra marique omnia exquirebant*, sq. (*Suet. Cal.* 13.) ^b

^a The *Lex Julia Sumptuaria* allowed 200 H S on the *dies festi*; 300 on the calends, nones, ides, and some other festivals; 1000 at marriage-feasts (*nuptiis et repotius*) and extraordinary entertainments. (*Suet. Jul.* 42.)

^b Amongst the dishes (*edulia*) held in highest estimation by the Romans may be reckoned sea-fish, particularly the turbot (*rhomus*); peacocks, first brought upon the table by L. Crassus (*Macrob.* ii. 9.); nightingales (*lusciniæ*), thrushes (*turdi*), and sometimes a whole boar — hence called *animal propter convivium* (*Juv.* i. 141.) and *porcus Trojanus* — stuffed with the flesh of other animals. Temperance and moderation were still found in individual instances, as in the case of Cicero (who first became acquainted with delicacies at the tables of others), and also his contemporary Sextus, who abstained from flesh. (*Cic. Ep. ad Div.* vii. 26.; *Senec. Ep.* 108.)

In the most ancient times wine was so scarce that it was not so much as used at libations and other religious solemnities. (*Plin.* xiv. 14.) When it became more common, it was customary to drink it mixed with water, and sometimes with snow, in order to give it a refreshing coolness. As long as any regard was paid to temperance, the Italian wines were alone in request, and Greek wines were considered as a delicacy. So much wine, however, was brought to Rome by Lucullus, that it was distributed amongst the people. In later times it was customary to pour precious ointments into wine, and drink them off together: *perfusa mero spumant unguenta Falerno* (*Juv.* vi. 302.); and this

monstrous luxury continued in fashion to the decline of the empire. A law (unknown as to its origin) was introduced at a very early period, prohibiting women to drink wine under pain of death; they were only permitted to drink raisin-wine. (*Plin.* xiv. 14.; *Athen. Deipn.* i. 440.) This law, however, in later times, was violated without shame. (*Ov. Fast.* iii. 540.) At the feasts of the Tuscans, the women as well as the men drank wine (*Athen. Deipn.* xii. 517.); and it is remarkable that the Romans designated a gormandizer by the Tuscan word *Nepos*. Cf. "*Tyrrhenus pinguis*." (*Virg. G.* ii. 193.).

Wine was made anciently much in the same manner as it is now. The wine-press was called *torculum*, the strainer *succus v. colum*, and the vat or tub *lucus*. The must or new wine (*mustum*) was refined with the yolks of pigeons' eggs; and, from new wine, a book not ripe for publication is called *musteus liber* by Pliny (*Ep.* viii. 21.). The application of the *fumarium* (hence a cask was said *bibere fumum*) to the mellowing of wines was borrowed from the Asiatics; and thus exhalation would go on until the wine was reduced to the state of a syrup or extract, and had acquired an oily smoothness from age.^c (*Promeglanquidiora vina*, *Hor.* iii. 21. 6.) Hence too the practice of employing strainers (*vina colaria*), to clear them from their dregs. None of the more generous wines were reckoned fit for drinking before the fifth year, and the majority of them were kept for a longer period.

^c Horace speaks of *calum Marsi memorem duelli* (*Od.* lii. 14. 18.), 660—2 A. U. Juvenal, at a much later period, speaks of the grape pressed during the social or Marsian war (*calcatam—bellis socialibus uvam*, v. 31.); not to be understood too literally; in other words, a very fine old wine. (*Stocker*.) Pliny mentions a wine 200 years old (xiv. 4.). Wines of an inferior quality were frequently set before guests of an inferior rank. "We drink out of glass cups (*vitro*); you out of murrhine (*murrina*)—"
of glass cups (vitro); you out of murrhine (murrina)

——— *quare?*

Prodat perspicuus ne duo vina calix;

lest a transparent cup should show the difference of the wines." (*Mart.* iv. 86.) Pliny reprobates this custom in very strong language (*Ep.* ii. 6.); observing that, for his own part, he invited his guests *ad cœnam, non ad notam*, — to entertain them, and not to make degrading distinctions. Martial tells us that the *murrhina pocula* were well adapted for Falernian wine: —

*Si calidum potas, ardenti murrha Falerno
Convenit, et melior fit sapor inde mero.*

(*Lib.* xiv. 113.)

The Falernian, says Henderson, approached, in its most essential characters, near to Madeira, which "unites great strength and richness of flavour [*sapor*] with an exceedingly fragrant and diffusible aroma." (p. 253.) The custom of crowning and decorating cups and vessels at banquets and religious ceremonies was universal, even from the heroic ages. On the Virgilian phrase *cratera coronâ induit* (*Æn.* i. 723.), and the Homeric *κρητῆρας ἐπεστέψατο ποτοῖο* (*Il.* α. 469.), see *Bullmann's Lexilogus*, p. 293., Eng. Transl.

On each cask was marked the name of the consuls, or the year when it was made; and the wine that came from the remotest part of the cellar was of course the oldest and the choicest; hence, *interiore notâ Falerni*, *Hor. Od.* ii. 3. 8. Persons of moderate fortune procured a cask or *amphora* as they wanted it from one of the public repositories (*horrea*), where wines of all ages and qualities were to be had. (*Hor. Carm.* i. 20.; iii. 19.; iv. 12.) As the casks were covered over with pitch or chalk (*oblite* v. *picatæ et gypsatæ*), and bunged; hence, *relinere* v. *delinere dolium* v. *cadum*, to broach or open a cask; and, as the Romans did not use a siphon or spigot, hence *vertere cadum*, to incline or empty a cask. The wines of Lesbos and Chios among the Greeks, and the Falernian and Cæcuban among the Romans, have acquired an immortality of renown.^d

^d The cups of the Romans (*calices, phialæ, pateræ, scyphi*) were made of various materials, — of wood, as beech (*fagina*); earth (*ficilia*), glass (*vitrea*), amber (*succina*), as well as brass, silver,

and gold. They were sometimes beautifully engraved; hence called *toreumata*, i. e. *vasa sculpta v. calata*; or they were adorned with figures (*signa, sigilla*), called *crustæ* or *emblemata*, which might be affixed or removed at pleasure. The figure of a goat in *bas relief* (as being sacred to Bacchus) was the frequent emblem on drinking cups: *stantem extra pocula caprum* (Juv.) Cups adorned with gems were called *calices gemmati*.

——— *Sed nulla aconita bibuntur*
Fictilibus: tunc illa time, quum pocula sumes
Gemmata, et lato Setinum ardebit in auro.

(Juv. x. 25—27.)

The *pocula murrhina*, introduced by Pompey, have been the subject of great controversy. Some, in order to relieve the difficulty, suppose two sorts; one "porcelain," the other a natural production. It was customary at banquets for individuals to toast their mistresses by drinking as many *cyathi* as there were letters in their names: —

Omnis ab infuso numeretur amica Falerno.

(Mart. i. 72, 73.)

In like manner, three for the Graces; three times three for the Muses. In these cases they were said *bibere ad numerum*. The *pocula*, or cups, containing from one to eight *cyathi* apiece, were denominated, from the parts of an *as*, *trientes*, *quadrantes*, *quinunces*, *asses*, &c. (See p. 281., note.)

Early in the morning the Romans took a little food to stay the appetite (*promulsio*); the *prandium* (*merenda*), which they took about mid-day, was the proper breakfast; the principal meal, however, was the *cæna*, taken about four o'clock. The *cæna* consisted of many dishes (*missus*); the first part, consisting of dishes to excite the appetite, was called the *gustatio*, or *gustus*, and the principal dish *caput cænæ v. pompa*. (Mart. x. 31.) After the principal dish, the second course or table was introduced (*mensæ secundæ*), consisting of fruits and sweetmeats (*bellaria*). As the Romans usually began their entertainments with eggs, and ended with fruits; hence, *ab ovo usque ad mala*, from the beginning to the end of supper. (*Hor. Sat. i. 3. 6.*)

The custom of reclining on couches (*accumbendi*)

was first adopted only by the men ; but from the period of the first Cæsars it was allowed also to the women. The place where they supped was anciently called *cœnaculum*, afterwards *cœnatio* or *triclinium*, because three couches (*τρεῖς κλῖναι*) were spread around the table for the guests to recline upon. On each couch there were commonly three ; boys, and young men below seventeen, sat at the foot of the couch (*in imo lecto* v. *subsellio*). The guests lay with the upper part of the body reclined on the left arm, the head a little raised, the back supported by cushions (*pulvini* v. *-illi*) ; the head of the second (*medius*) was opposite the breast of the first, so that if he wanted to speak to him (especially if the thing was secret), he was obliged to lean upon his bosom (*in sinum recumbere*, Plin. Ep. iv. 22.).^e

^e Under the emperors, instead of three couches, only one was introduced. The new-fashioned couch was of a semicircular form (*lunata*), called *sigma* from its shape, C ; and it held seven or eight persons. The square tables were now superseded by round ones (*orbes*, Juv. i. 137.). The *monopodia* were very costly tables : they had only one foot (*μόνος* and *πῶς*), and that of ivory : —

Tu Libyos Indis suspendis dentibus orbes.

(Mart. ii. 43.)

The *abaci* are mentioned along with the *monopodia* (Liv. 39. 6, 7.) as articles of domestic luxury. The bedsteads (*spondæ*) and feet (*fulcra* v. *pedes*) were made sometimes of silver or gold ; and in the time of Juvenal (xi. 95.), it was customary to inlay the furniture, and particularly the couches, with the largest and finest pieces of tortoise-shell (*clarum Trojugenis — ac nobile fulcrum*) they could procure. The persons whom the invited guests (*convivæ*) had liberty to bring with them were called *umbræ*, uninvited guests. (*Hor. Sat. ii. 8. 22.*) The semicircular couch was also termed *stibadium*.

CHAPTER XLII.

DOMESTIC AND PRIVATE LIFE OF THE ROMANS.

MANNER OF WAITING AT TABLE.—CHANGE OF COURSES.—PRESIDENT OF THE FEAST.—BATHS.—GAMES OF CHANCE.—EMPLOYMENTS OF THE ROMANS.—PATRONS AND CLIENTS.

THE chief cook, who had the direction of the kitchen, was called *archimagirus*; he who took care of the couches and dishes was termed *structor*; the *carptor* or *scissor* carved the meat with great dexterity and many gesticulations (*ad symphoniam gesticulatus*, Petron. 36.); hence called *chironomon*, or *gesticator* (Juv. v. 121.). The slaves who waited at table were properly called *ministri*, being lightly clothed in a tunic and girt with napkins (*linteis succincti*). The dishes were brought in, either on the tables themselves, or more frequently on frames (*fercula* v. *repositoria*); hence *præbere cœnam ternis* v. *senis ferculis*, i. e. *missibus*, to give a supper of three or six courses. (*Suet. Aug.* 74.)^a Before the supper was commenced it was usual to wash the hands; and those of a luxurious habit put on a particular garment (*synthesis*, see p. 56.) after supper, and laid aside their sandals (*soleæ*).

^a The guests either remained in the same places whilst the tables were changed (*mensam auferre*), or else removed to fresh tables; this latter Martial calls *ambulans cœna* (vii. 48.). The beauty of the citron wood (of which the tables were generally made) consisted in its knots and veins (*maculæ*). The Romans began their banquets with prayers and libations (*libare diis dapēs et bene precari*, Liv. xxxix. 43.). They usually threw a portion into the fire as an offering to the *Lares* (hence called *Dii Patres*).

laræ). The table was consecrated by setting on it the images of the *Lares* and the salt-cellars. The family salt-cellar (*paternum salinum*) was preserved with great care; and setting salt before a stranger was reckoned a symbol of friendship. The immense sums which the Romans spent in procuring the most costly delicacies for the table are almost incredible:—

Gustus (i. e. dainties) *elementa per omnia quærunt.*
(Juv. xi. 14.)

During supper the guests were entertained with singing and dancing, sometimes with pantomimes and play-actors, with buffoons, and even with gladiators; but the more sober had only persons to read or repeat select passages from books (*anagnostæ* v. *acroamata*). When wine was on the table, they appointed a president (*arbiter bibendi*, *magister* v. *rex convivii*), who laid down the laws to be observed in drinking, and performed the office of toast-master. (Horace probably alludes to this president under the title of *Thaliarchus*, Od. i. 9.) If no director of the feast was appointed, they were said *culpâ potare magistrâ*, having the *fine of a bumper* as the rule of the feast. The wine was mixed with water (*miscere*, *temperare*) in a large vase or bowl (*crater*), by handsome youths (or slaves), and then poured into cups (*pocula*, *cyathi*); hence *ad cyathos stare*, to be cup-bearer. Banquets that were terminated at a seasonable hour were called *convivia tempestiva*; if they continued till late in the night they were called *convivia intempestiva*.^b Prolonged drinking and re-velling was termed *comissatio*.

^b *Tempestivum convivium* is properly a banquet, commencing at a definite time (i. e., the ninth or tenth hour of the day, or earlier, at sunset), but generally such a banquet as commenced earlier than usual (*de die*), and also continued longer than usual, as in family festivities. (*Salmasius ad Vopisci Florian.* 6.) *Intempestiva convivia* is grounded merely upon false readings. (*Græv. ad Cic. Mur.* 6. 13.; *Arch.* 6. 13.) *Ramshorn*, 369.

In later times the guests crowned themselves with garlands (*serta*, *coronæ*, v. *corollæ*) of flowers, ivy,

myrtle, or laurel ; hence *cum coronâ ebrius*. Their hair was also perfumed with various ointments (*unguenta* v. *aromata*), nard, or spikenard (*nardum*, *malobathrum*). Sometimes perfumes were showered upon them through tubes. ^c

^c We must make a distinction between public and private banquets. If the public banquets were attended with games, they were called *epulæ*, as the funeral banquets (*epulæ funebres* v. *ferales*) connected with games ; if they were given at the dedication of a temple, or on entering upon priestly or other offices, they were called *cæna*. (*Cænæ pontificum*, Hor.)

A banquet upon which much had been expended (*cæna lauta*, *opîma* v. *opipara*) was termed *Augustalis*, *Pontificalis*, *Saliaris*, since these priests were in the habit of giving splendid banquets (see p. 36. 39.). The banquet which patrons gave to their clients was termed *cæna recta*, i. e. a formal plentiful supper ; hence *convivari rectâ* sc. *cænd*, to fare sumptuously (*Suet. Aug.* 74.). In after-times this was superseded by the *sportula*, as mentioned below (p. 332.). Previous to supper, it was not unusual to take an emetic for the sake of whetting the appetite, and also after supper, to prevent the bad effects of repletion ; hence the observation of Seneca. — *Vomunt ut edant ; edunt ut vomant* (ad Helv. 9.).

In later times, the Romans before supper used always to bathe ; and there were public baths for the use of the citizens at large (*balnea*). ^d In these there were separate apartments for the men and the women ; each paid to the bath-keeper a small coin (*quadrans*). Those under age paid nothing : — *Nec pueri credunt, nisi qui nondum ære lavantur*, in allusion to the superstitions respecting the infernal regions (*Juv.* ii. 152.). The basin where they bathed was called *baptisterium*, *natatio*, or *piscina* ; the cold-bath room, *cella frigidaria*, and the hot, *cella caldaria* ; the stove room *hypocauston*

or *vaporarium*, adjoining to which were the sweating rooms (*sudatoria*), the undressing rooms (*apodyteria*), and the rooms for anointing (*unctuaria*, *elaesthesia*). The slaves who took care of the clothes of the persons bathing were called *capsarii*; and those who anointed them were called *aliptæ* or *unctores*. The instruments of an *alipites* were a scraper (*strigilis*), to rub off the *sordes* from the body; towels or rubbing-cloths (*lintea*), and a vial or cruet of oil (*guttus*). As there was a great concourse of people to the baths, poets sometimes read their compositions there; and under the emperors, not only places of exercise (*gymnasia et palaestra*), but also libraries, were annexed to them. Nero appears to have first connected *gymnasia* with the baths. (*Suet. Ner.* 12.)

^d *Balneum* is usually a private bath; *balineæ* and *balneæ*, a public one, where there are a number of separate bathing rooms; but the poets, for the sake of the hexameter (and also later writers), use *balnea*. (*Drakenborch ad Liv.* xxiii. 18. 12.) The *thermæ* (*ῥῆμα*), warm baths, were destined only for public use, and built either near warm springs, as at Baie (*Martial*, vi. 42.), or the water was warmed by large subterranean ovens, as at Rome, where these buildings were amongst the largest and most magnificent (see p. 9.). *Ramshorn*, 198.

The Romans before bathing took various kinds of exercise (*exercitationes campestris*). Amongst these we may mention the ball or tennis, *pila trigonabæ* v. *trigon*, so called because those who played at it were placed in a triangle (*τρίγωνον*), and tossed it from one to another; he who first let it come to the ground was the loser. When they struck the ball rebounding from the ground, they were said *ludere rāptim*; when the person who had the ball seemed to aim at one; but struck another, he was said *ludere datatim*; and when the ball was struck from one to another without letting it fall to the ground, they were said *ludere expulsim*, or *pilam geminare volantem*. (*Lucan ad Pison.* 173.)

During the intervals of drinking they often played at dice (*alea*), of which there were two kinds; the *tesserae* and *tali*. The *tesserae* had six sides; the *tali* four. On one side was marked one point (*unio*, an ace), called *canis*; on the opposite side six, (*senio*, six); on the two other sides three and four (*ternio et quaternio*). The highest or most fortunate throw (*Venus, jactus Venereus* v. *basilicus*) was of the *tesserae*, three sixes; and was used in determining the direction of the feast (*archiposia*). They also played at odd and even (*par impar*), and at a game called *duodecim scripta*, resembling backgammon (p. 285.). The counters (*calculi*) were moved across certain lines (*lineae* v. *caloes*); hence *unam calcem non posse ciere*, not to be able to move.

The Romans, in the earlier and better ages of the republic, directed their chief attention either to study or the business of the state. The inferior occupations of life were committed to artisans, who formed themselves into companies (*collegia sodalitia*), and displayed their wares about the Forum. The same freedom prevailed with respect to studies. As their works sprang immediately from the business of common life, so their highest interest is even at this day in immediate connection with it. The transcribing of works was committed to slaves, who frequently wrote, as *amanuenses*, from dictation. From the life of Cicero we are well acquainted with Tiro, a slave to whom he was particularly attached. From the laws regulating expenses (*leges sumptuariae*) we perceive that the luxurious indulgence of later times gave rise to a total neglect and abandonment of state-affairs; as was particularly the case in the time of the emperors, when the most important offices were concentrated in the hands of a single individual. (*Senec. de brev. Vit.* 12).^c

* Above all, we must observe the relation of clients towards their patrons; for by means of this every man of distinction possessed a power in the state: but duties or obligations for both parties were attached to this relation. The client, agreeably to custom, must wait upon his patron every morning (*salutare*); and, on the other hand, the patron must give counsel to his client, afford him protection, and defend him before a court of justice. (*Plaut. Men.* iv. 2.) See p. 73. Upon the increase of luxury, it became customary (instead of a supper) to give each of the poorer clients a certain portion or dole (*sportula*) of meat to carry home in a basket; the clients were no longer admitted into the *atrium*, but received the dole *primo limine*. (*Juv.* i. 96.) When the people had the power of conferring honours and offices, the ambitious exerted every faculty to obtain this distinction: — *Quid est enim præclarior, quam honoribus et reipublicæ muneribus perfunctum senem.* (*Cic. de Orat.* i. 45.)

CHAPTER XLIII.

DOMESTIC AND PRIVATE LIFE OF THE ROMANS.

TESTAMENTS.—CUSTOMS RELATING TO THE DEAD.—FUNERAL PROCESSION.—DIFFERENT KINDS OF FUNERALS.—SEMPULCHRES.—MAUSOLEA.—CEREMONIES AT THE FUNERAL PILE.—PARENTALIA.—MOURNING FOR THE DEAD.—APOTHEOSIS.

HERE it may be proper to speak concerning testaments. *Nuncupatio testamenti* was the solemn declaration of the testator that this was his last will. No person except a Roman citizen (*sui juris*) could make a will (*jus testamenti*), or inherit any thing by a will. Lawyers were generally employed in the making of a will (*Suet. Nero, 32.*); when the testator wrote it with his own hand, it was termed *holographum*. Wills were generally written on waxen tablets (*tabulæ*); hence *prima cera*, the first part of the will, and *cera extrema* v. *ima*, the last part. The *codicilli* were not additions to a will, according to the modern sense, but a less solemn form of a will, incompetent, however, to institute an heir. (*Plin. Ep. ii. 16.*) The heir or heirs were mentioned in the *prima cera*; and in the last part guardians (*tutores*) were appointed for the children, and legacies (*legata*) left to individuals (*legatarii*). The testament was sealed with rings (*signis, gemmis*). See p. 318.

A father could disinherit (*exhæredare*) his children. Supposing an inheritance to be divided into twelve *uncia*, the whole would constitute an *as*. The *hæres ex asse* would therefore inherit the whole; the *hæres ex semisse*, *ex triente*, *dodrante*, &c., would inherit a half, a third, or a fourth, respectively. Guar-

dians were either appointed in the testament (*testamentarii*), or according to the laws (*legitimi*), or given by the senate (*dativi*). After the decease of an individual, a certain time was allowed for the person instituted heir to deliberate (*cernere hæreditatem*) whether he would enter upon the inheritance, and to express his determination solemnly before five witnesses. When the time was past (*cretio*), he took formal possession of the inheritance (*adibat hæreditatem*).

The Romans, like all other ancient nations, paid the greatest attention to funeral solemnities, believing them to be necessary to the peace and happiness of the deceased. Hence, if the bodies of their friends could not be found, they erected to them an empty tomb or cenotaph (*tumulus inanis, cenotaphium*), at which they performed the usual solemnities; and thus they were said *rite condere manes, condere animam sepulchro* (Virg. *Æn.* iii. 67, 68.), to bury in due form.

When persons were on the point of death, their nearest relations present kissed them, in order to catch their last breath with their mouth (*extremum spiritum ore excipere*^a). They now pulled off their rings until they were laid on the funeral pile; closed their eyes and mouth, and then called upon (*conclamare*) the deceased by name several times (*Ov. Trist.* iii. 3. 43.); hence, when a thing was quite desperate, *conclamatum est*, all is over. The corpse was placed (*depositus*) upon the ground — washed and anointed by slaves called *polinctores*; hence Martial, when satirising a person who had supplied plenty of perfumes at an entertainment, but very little to eat, says: — “He who does not sup and is anointed (*qui non cœnat et ungitur*), seems to me to be really a corpse. — *Res salsa est bene olere et esurire*” (iii. 12.). The *Libitinarii* were undertakers, who had the charge of the temple of *Venus Libitina*,

where every thing was sold requisite for funerals; hence, *mirari nihil, nisi quod Libitina sacravit* (Hor. Ep. ii. l. 49.), to admire nobody till after his death.

^a "According to the Roman poets, every man possessed a three-fold soul, which, after the dissolution of the body, resolved itself into the *manes*, the *anima* or *spiritus*, and the *umbra*. The *manes* descended either to Tartarus or Elysium; the *anima* ascended to the skies; the *wraith*, or shadow (*umbra*), hovered round the tomb: —

*Terra legit carnem, tumulum circumvolat umbra,
Orcus habet manes, spiritus astra petit.* (Ovid.)"

Encyc. Brit., art. APPARITIONS.

The body was then dressed in the best robe the deceased had worn when alive (ordinary citizens in a *toga*, magistrates in their *prætecta*, &c.), and laid (*componebatur* v. *collocabatur*) on a couch in the vestibule. A small coin (*triens* v. *obolus*) was put into his mouth as passage-money for Charon the ferryman (*portitor* v. *porthmeus*); hence, a person who wanted this and the other funeral oblations, was said *abiisse ad Acherontem sine viatico*.^b A branch of cypress was also placed at the door of the deceased: hence this tree was called *atra*, *feralis*, *funerea* v. *funebis*, from its being used at funerals.

^b *Viaticum* means the travelling expenses, the outfit necessary for a journey. (See p. 163.).

In the earliest times, the carrying out of the corpse (*efferre, funus facere*), or the funeral ceremony, was performed during the night with lighted torches; afterwards, at an early hour in the forenoon. (*Isidor. orig.* xi. 2., xx. 10.) The people were summoned, by a public crier (*funera indictiva*), to take part in the solemnity (*funus, pompa, exequiæ*) or procession. The body of a rich man was borne upon a couch (*lectica, torus, feretrum*, a bier, *lectus Stygius*); that of a

poor man in a plain bier or coffin (*sandapila*). The order of the procession was arranged by the *designatores*.

First went musicians of various kinds (*siticines*); then mourning women (*præficae*), who sang a plaintive funeral song (*nænia*, *næniæ* v. *lessus*) to the sound of the flute; and as these compositions were often frivolous, hence *nugæ* is put for *næniæ*. (Plaut. *Asin.* iv. 63.) Next came players and buffoons (*scurræ*, *ludihistriones*), one of whom, called *archimimus*, personated the character of the deceased (*personam agebat*), imitating his words and actions while alive. Actors too were employed to personate the individual ancestors of the deceased, and the busts or images (*imagines maiorum*) that stood in the *atrium*, now formed part of the disguise. (*Anthon on Sall. Jug.* 4.) Then followed the freedmen of the deceased, with caps on their head (*pileati*), as a symbol of their manumission. Behind the corpse walked the friends of the deceased in mourning (*atræ* v. *lugubri veste*; *atrati* v. *pullati*).^c

^c If the deceased had distinguished himself in war, the crowns and rewards which he had received were displayed, together with the spoils he had taken from the enemy. (*Virg. Æn.* xi. 78.) At the funeral of an illustrious citizen, the corpse was carried through the Forum; where the procession stopped, and a funeral oration (*laudatio funebris*) was delivered in praise of the deceased.

According to the laws, no corpse could be burnt or buried within the walls of the city, unless it was granted as a particular favour, in consideration of the great merits of the deceased. This honour was sometimes extended to a whole family (*Suet. Tib.* i.); but, in the list of all the emperors, it fell only to the lot of Trajan. (*Eutrop.* viii. 5.) Amongst the Romans the practices of burning (*cremare*, *urere*) or burying the dead (*humare*) equally prevailed; the latter, however,

is considered as the more ancient, though that of burning prevailed at a very early period. (*Plin.* xiv. 14. *Tac. Ann.* xvi. 6.) Children, before they got teeth, and persons struck with lightning, were not burnt, but buried.^d The grave of the former was called *suggrundarium*, and that of the latter *bidental*, because it was consecrated, after the Etruscan fashion, by sacrificing a sheep (*bidens*), and to remove its bounds (*movere bidental*) was esteemed sacrilege.^e (See p. 30.)

^d ——— Terrâ clauditur infans,
Et minor igne rogi.

Not honoured with the funeral pile. (*Juv.* xv. 140, 141.)

^e The expressions *sepelire*, *sepultura*, *sepulchrum*, are applied to every form of disposing (*condendi*) of a dead body; *funus* frequently means the corpse; *exequia*, the funeral procession (*pompa funebris*); *justa*, the solemnities: but these distinctions are not rigidly adhered to. *Exequias ducere*, *deducere*, *prosequi*, &c., to attend the funeral.

A public funeral was called *funus indictivum*, because people were invited to it by a herald; one defrayed at the public expense was called *publicum*, and one by public contribution was called *collativum*. A

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private funeral was called *tacitum*, *translativum* (*Suet. Ner.* 33.), *plebeium*, &c. The places for burial were

either public or private: the private, in fields or gardens, usually near the highway, to be conspicuous, and remind those who passed of mortality. Most of the roads leading out of Rome (particularly the *Via Appia, Aurelia, Flaminia*)^f were lined with tombs; and hence the frequent inscriptions *Siste viator, Aspice viator*, &c. The monumental inscriptions on the walls of these catacombs, which have been discovered in modern times, are worthy of attention.

^f ——— *Experiar quid concedatur in illos
Quorum Flaminia tegitur cinis atque Latina.*

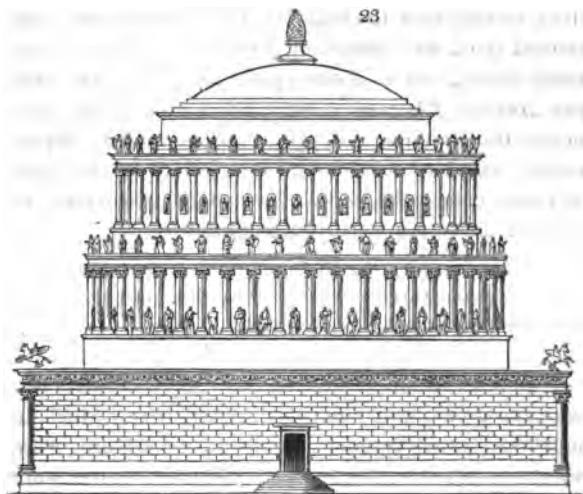
I will try my satire upon the departed.

(*Juv. i. 171, 172.*)

All these sepulchres (*sepulchra*) were constructed with the greatest magnificence. Sepulchres, which an individual constructed for himself or his wife, were *sepulchra priva* v. *singularia*; family sepulchres were termed *sepulchra communia*. The latter, agreeably to their destination, were again divided into *S. familiaria* and *S. hæreditaria*; the one being intended by the constructor for himself and family, and the other for his heirs. (*Dig. l. xi. tit. vii. leg. 5. 6.*) Freedmen were sometimes included; and relations, when undeserving, excluded by testament. (*Suet. Aug. 101.*) The public place of burial for great men was commonly in the *Campus Martius*.^g

^g Family sepulchres, in which a particular niche was allotted to each urn or *arca*, and in which favourite slaves were sometimes received, were called *columbaria*. The *mausolea* built by the emperors were distinguished for their magnificence. The first *mausoleum* at Rome was built by Augustus, in the *Campus Martius*, between the *Via Flaminia* and the bank of the Tiber. The body of Marcellus, his nephew, was the first deposited here; hence Virgil (who has so pathetically described his death), —

*Quantos ille virum magnam Mavortis ad urbem
Campus aget gemitus.* (*Æn. vi. 873.*)



In this mausoleum the succeeding emperors were deposited, till Hadrian determined to rival, or more probably to surpass it, and erected a mausoleum, which, from its size and solidity, was called **MOLES HADRIANI**. It was built at the foot of the Vatican Mount, near the Tiber; encased with marble, and adorned with numerous statues. The mausoleum of Septimius Severus consisted of seven stories (*septixonium*). As a sepulchral monument, a pyramid is still existing, which, in the time of Augustus, was erected in honour of Cestius, by his heir L. Pontius Mela with his freedman Pothus; in whose vaults the apartments or niches are adorned with inscriptions and paintings. (*Wagner, de Monumentis Sepulchralibus*, p. 7.)

The common burying-places for the poor were termed *puticuli* or *puticulæ*, in the *Campus Esquilinus*. On this site Mecænas built a magnificent house (*molem propinquam nubibus arduis*, Hor. Od. iii. 29. 10.), with extensive gardens, whence it became one of the most healthy situations in Rome: *Nunc licet Esquiliiis habitare salubribus* (Hor. Sat. i. 8. 14.). There was a stone pillar (*cippus*) marking the extent

of the burying ground; also, who were to be buried in it.

The embalming of the dead was a foreign custom. With respect to burning the dead (which in later times became less frequent, through the exertions of the Christian fathers; *Minucius Felix*, 34.), an ancient law was in force prohibiting it from taking place in the city, in order to prevent fire. When the funeral pile was erected (*pyra, rogos*), the corpse was placed upon it with the couch; the near relations then set fire to it with a lighted torch, turning away their faces (*aversi*) to show that they did it with reluctance. (*Virg. Æn.* vi. 223.) They prayed for a wind to assist the flames, and they threw into the fire various perfumes, unguents, and aromatics, and that too, in later times, with so much profusion, as almost to appear incredible. (*Plin.* xii. 18.) At the funeral of an illustrious commander the soldiers made a circuit (*decurrebant*) three times round the pile from right to left (*orbe sinistro*), with their arms inverted. As the *manes* were supposed to be delighted with blood, captives, slaves, and animals were sometimes sacrificed; but these were afterwards superseded by fights of gladiators, called *bustuarii* (*Hor. Sat.* ii. 3. 85.; *Florus*, iii. 20.); and this exhibition was termed *munus gladiatorium*.

When the pile was burnt down, the fire was extinguished, the embers soaked with wine (prohibited by Numa, *Plin.* xiv. 12.), and the bones or ashes (*ossa, cineres*) were collected into an urn (*urna cineraria, ossaria*). This office (*ossilegium*) was performed by the nearest relations and friends; and the company was then dismissed with the solemn word *Ilicet* (*ire licet*). The urn was then deposited in the sepulchre (*componebatur*). According to these different usages we may account for the different terms *sepulchrum*,

bustum, *monumentum*, *cinerarium*.^h *Sepulchrum* was, at an earlier period, synonymous with *bustum* (where a corpse was burnt and the ashes deposited). *Monumentum* is the memorial erected upon the place of burial; *tumulus*, the mound or barrow; *cinerarium*, the place where the ashes were deposited, particularly in a sepulchre, where the different sections were distinguished by the names *hypogæum*, *cryptæ*, *ollarium*, *schola ollarum*.

^h Sepulchral monuments were furnished with inscriptions (*titulus*, *epitaphium* v. *elogium*), sometimes in prose, and sometimes in verse. They usually commenced with the letters D. M. S., i. e. *Dis manibus sacrum*; and then followed the name and character of the individual, with the principal events of his life. The graves were also strewn with flowers and chaplets, and frequently lighted with lamps (*lampadaria*).

On the ninth day a sacrifice (*novemdiale sacrificium*) was offered in honour of the deceased; temples and statues were sometimes erected. Oblations or sacrifices to the dead (*inferiæ* v. *parentalia*) were afterwards made at various times; hence *parentare regi sanguine conjuratorum* (Liv. xxiv. 10.), to appease, to revenge. After the funeral of great men, there was not only a feast for the friends of the deceased, but also a distribution of raw meat (*visceratio*) among the people.ⁱ In a public mourning for any signal calamity, the death of a prince, or the like, there was a total cessation from business (*justitium*).

ⁱ "The ancients were strangely inattentive to the diet of the dead. The supply was scanty (*exiguâ feralis cæna patellâ*) Plautus says of a bad cook that he was only fit to dress a supper for the dead (*Pseud.* iii. 2. 7.); and those were stigmatised as the most necessitous of human beings who were compelled to filch a meal from the deceased (*rapere de rogo cænam*, Cat. 59. 2.)." — Stocker on Juvenal, v. 85.

The Romans, in mourning, kept themselves at home, permitted their hair and beard to grow (*barbam pro-*

mittebant), dressed in black (*lugubria sumebant*), laying aside every ornament, and not even lighting a fire; hence *focus perennis*, i. e. *sine luctu* (Martial x. 47.).^k Sepulchres were classed amongst *res religiosæ* (p. 47.), and were under the care of the *Pontifex Maximus*; hence their violation was severely punished. From the time of Romulus deification (*apotheosis*) was only accorded to the emperors; and from the time of Cæsar, by a formal decree of the senate conferring on them the title of *Divus*. With this honour was connected the erection of temples, and the institution of priests for their service (*Flamines*, see p. 37.), and of other religious solemnities. At the ceremony of *apotheosis* an eagle was let fly from the funeral pile, in order, as the people imagined, to carry the soul of the emperor to heaven. This honour was also conferred on the wives of the emperors. (*Suet. Claud.* 11.; *Tac. Ann.* v. 2.)

^k "In times of public calamity," says Ferrarius, "the senators laid by the *laticlave*, and appeared only in the habit of knights; the magistrates threw aside the *prætexla*, and came abroad in the senatorian garb; the knights left off their rings, and the commons changed their gowns for the *sagum* or military coat." (*De Re Fæstariâ*, i. 27.) The consuls sat in the senate, not in their usual places, but *sede vulgari*.

CHAPTER XLIV.

AGRICULTURE.

ATTACHMENT OF THE ROMANS TO AGRICULTURE. — VILLÆ. — AGRICULTURAL IMPLEMENTS. — PLOUGHING. — DIFFERENT KINDS OF GRAIN, ETC. — REAPING, ETC. — GARDENS. — PROPAGATION OF TREES. — CULTIVATION OF THE VINE.

THE ancient Romans were so devoted to agriculture, that the senators commonly resided in the country, and cultivated the ground with their own hands (see p. 118.). The most celebrated generals were sometimes called from the plough, as *Cincinnatus* (Liv. iii. 26); and the noblest families derived their surnames from cultivating particular kinds of grain (as the *Fabii*, *Pisones*, *Lentuli*, *Cicerones*, &c.), or from devoting particular attention to the breeding of cattle (as *Asinius*, *Porcius*, *Vitellius*). “A plebeian was bound to be a husbandman; if he renounced this calling, and betook himself to a retail trade or handicraft, he renounced his order likewise; and it was the censor’s duty to strike out his name.” (*Nieb.* ii. p. 398.)

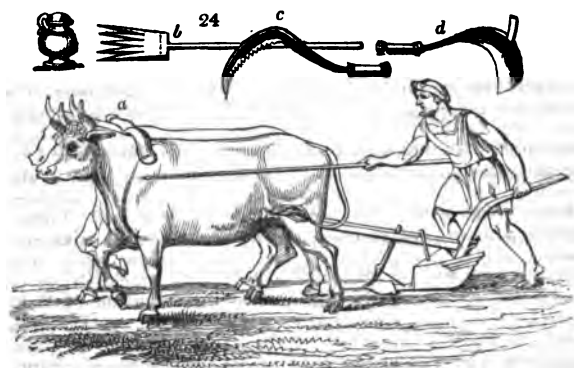
At first no citizen had more land than he himself could cultivate. Romulus allotted to each only two acres (*jugera*), which was termed *hæredium*, or *sors*; and this the citizen was bound to cultivate with the spade. In the reign of Servius Tullius (*Nieb.* ii. p. 161.), seven acres were granted to each citizen, which continued for a long time to be the usual portion assigned them in the division of the conquered lands. (*Liv.* v. 30.) But when riches increased, and the

estates of individuals were enlarged, opulent proprietors let part of their grounds to other citizens, who paid a fixed rent for them (*coloni*, see p. 85.). They were also termed *conductores*, *partiarii*, because, usually, they shared the produce of the ground with the proprietor. In later times, the rich patricians and plebeians, who had got nearly the whole of the landed property in their own possession, left it to be cultivated by slaves. *

* The country seats of the wealthy Romans (*villæ*) were built, in later times, with great luxury and magnificence, and had almost the appearance of cities (*in urbium modum exædificatæ*, Sall. Cat. 12.). *Villa* originally denoted a farm house and its appurtenances requisite for a husbandman. Hence the overseer of a farm was called *villicus*, who was in general a slave or a freedman, and his wife *villica*. But when luxury was introduced, the name of *villa* was applied to a number of buildings reared for accommodating the family of an opulent Roman citizen in the country. A villa of this kind was divided into three parts, — *urbana*, *rustica*, and *fructuaria*. The first contained dining-rooms, parlours, bed chambers, baths, tennis courts, walks, terraces (*xysti*), &c., adapted to different seasons of the year. The *villa rustica* contained accommodations for the various tribes of slaves and workmen (*orgastula*), places for keeping hens (*gallinarium*), geese (*chenoboscium*), ducks and wildfowl (*nessotrophium*), birds (*ornithon* v. *aviarium*), dormice (*glirarium*), swine (*suile*, *stabulum*, et *hæræ*), bees (*apiarium*), &c. The *villa fructuaria* contained wine and oil cellars, granaries, repositories for preserving fruits (*opōrothecæ*, *ὀρώρα*, autumn, and *theca*, a repository.)

The Romans were very attentive to every part of husbandry. They used various kinds of manure to improve the soil, particularly dung (*fimur* v. *stercus*); and if this was wanting, they had recourse to artificial manure. The instruments used in tillage were the *aratrum*, or plough; the principal parts of which were the *temo*, the beam to which the *jugum*, or yoke, was fastened; the *stiva*, or ploughtail, at the end of which was a cross-bar, by which (*manicula* v. *capulus*) the *arator* directed the plough; *buris*, a crooked piece of wood between the *temo* and the ploughshare (*vomer*).

To it was fitted the *dentale*, or piece of timber on which the share was fixed (*duplici dentalia dorso*, i. e. *lato*, Virg.); as well as two *aures*, or mould-boards, by which the furrow is enlarged, and the earth thrown back (*regeritur*). The *culter* was much the same as our coulter. The *ralla* v. *rulla*, or plough-staff, was used for cleaning the plough-share. The Romans had ploughs of various kinds; the common plough had neither coulter nor earth boards.^b



a, *Jugum*.

b, *Ventilabrum*.

c, *Fals serrata*.

d, *Fals*.

^b The other instruments were *ligo* or *pala*, a spade, used chiefly in the garden and vineyard; *rastrum*, a rake; *sarcolum*, a hoe, or weeding hook; *bidens*, a kind of hoe or drag for breaking up clods, and dragging up the earth round the plants; *occa* v. *crates dentata*, a harrow; *irpex*, a plank with several teeth, drawn by oxen, to pull roots out of the earth; *dolabra*, an adze with its edge athwart the handle; *securis*, an axe, sometimes joined in one (*securis dolabrata*); *fals*, a pruning-knife; *fals serrata*, with teeth like a saw; *ventilabrum*, a winnowing shovel.

The Romans always ploughed with oxen, usually a single pair (*singulis jugis* v. *paribus*). What a yoke of oxen could plough in one day was termed *jugum* v. *jugerum* (see p. 286.); the person who guided the plough (*rector*) urged the oxen with a goad (*stimulus*, *κίρκον*)

When, in ploughing, the ground was raised in the form of a ridge, it was called *porca* or *lira*. The word *sulcus* is applied not only to the ridge but the furrow. The ploughman who did not cut straight furrows was said *delirare* (hence *delirare*, to dote, to have the intellect impaired by age or passion, *Hor. Ep. i. 2. 14.*), and *prævaricari* (see p. 197.). The Romans commonly cultivated the ground and left it fallow alternately (*alternis sc. annis*). A field for sowing was called *arvum*; one sown every year, *restibilis*; after a year's rest or longer, *novalis*, or *vervactum*. One day's ploughing was termed *una opera*.

The grain chiefly cultivated by the Romans was wheat of different kinds (*triticum*, *siligo*, *robus*, *far*, or *ador*, whence *adoreæ*, military glory, because a certain quantity of corn was given to soldiers after a victory, see p. 275, 276.). *Hordeum* or barley was the food of horses; sometimes used for bread, and given to soldiers by way of punishment (see p. 261.). In France and Spain, especially before the introduction of vineyards, it was converted into ale, (*cælia*, *ceria* v. *ce-revisia*, οἶνον κριθίνον); the froth or foam of which (*spuma*) was used as yeast in baking (*pro fermento*). Oats were cultivated too as food for horses (though sometimes made into bread). Flax (*linum*) was used chiefly for sails and cordage; likewise for wearing apparel, particularly amongst the Gallic tribes and those beyond the Rhine.^c

^c Various kinds of pulse (*legumina*) were cultivated by the Romans, as the *faba*, or bean; *pisum*, peas; *lupinum*, lupine; *faselus* v. *phaseolus*, the kidney bean; *lens*, lentil; *cicer* v. *cicerula*, *vicia* v. *ervum*, vetches or tares. Some of these served as food for slaves and the poor, but especially the *siliquæ*, or pods of the carob tree, in times of scarcity. The Romans paid great attention to meadows (*prata*), irrigating, manuring, and sowing them with various kinds of grass seeds. Hay (*fenum*) was cut and piled up in cocks of a conical figure (*in metas extractum*), then collected into

large stacks. The mowers (*fenisces*) went over the meadows a second time (*prata siciliebant*); and this grass was termed *sicilimentum*. The Romans had various kinds of fences (*septa*, *sepes* v. *sepimenta*); a wall, *maceria*; hedge, wooden fence, and ditch for defending their limits or marches (*limites*). The hedges were generally constructed of willows, which grew chiefly in moist ground (hence *udum salictum*).

Corn was cut down (*metebatur*) by a hook or scythe; or the ears (*spicæ*) were stripped off by an instrument called *batillum* (*falx verriculata*, *rostrata* v. *dentata*), and the straw afterwards cut. When cut, it was carried to the threshing floor (*area*, of a round figure, and open on all sides to the wind), or to the barn (*horreum*), or to a covered place (called *nubilarium*), adjoining the threshing floor. The grains of corn were beaten or trodden out (*tundebantur*, *terebantur*, *excutiebantur*) by the hoofs of oxen or horses, which were driven over it. Sometimes flails (*baculi*, *fustes* v. *perticæ*), a dray or carriage without wheels (*traha*), a board or beam set with stones or pieces of iron (*tribula*), and drawn by yoked oxen, were made use of for this purpose. The corn was winnowed by a kind of shovel, (*vallus* v. *pala* v. *ventilabrum*, πτόν), which threw it across the wind, or by a sieve, (*vannus* v. *cribrum*), with or without the wind. When cleaned (*expurgatum*), it was laid up in granaries, sometimes in pits (*scrobes*), where it was preserved for many years. Straw cut with the ears was properly *palea*; that left in the ground, *stramen* v. *stipula* (stubble); as straw was used in thatching houses, hence *culmen*, the roof, from *culmus*, a stalk of corn.^d

^d In later times, when Italy was covered with villas and pleasure grounds (see p. 293.), when the estates of individuals had become too extensive (*Latifundia* (sc. nimis ampla) *perdidere Italiam* Plin. xviii. 3. 6.), Rome was forced to depend upon the provinces for supplies of provisions. Hence Tacitus complains that though Italy was not cursed with sterility, yet Africa and Egypt must needs be cultivated in preference (*potius exercemus*), and the

life of the Roman people exposed to ships and accidents. (*Ann.* xii. 43.)

The Romans were uncommonly fond of gardens; even in the city, the common people used to have representations of them in the windows. (*Hor. Ep.* i. 10. 24.) The country people judged that there must be a bad housewife (*nequam materfamilias*, for this was her charge) in that house where the garden was in bad order (*indiligens hortus*). In ancient times the garden was chiefly stored with fruit trees and pot herbs, (*hortus pinguis*, Virg. G. iv. 118.); but in after-times the chief attention was paid to the rearing of shady trees, aromatic plants, &c. These, for the sake of ornament, were twisted and cut into various figures by slaves called *topiarii*, who were said *topiariam* (sc. *artem*) *facere*. In the gardens there were beautiful walks, shaded with trees, as well as a place for exercise (*palaestra*). They were adorned with beautiful statues; their irrigation was particularly attended to; here the wealthy Romans lived in retirement, and entertained their friends (see p. 14.). "Alleys, alcoves, and avenues supplied the place of flower-gardens." In the laws of the Twelve Tables, *villa* is not mentioned, but *hortus* in the stead of it (*χόρτος*, something fenced round).^e

^e The Romans propagated trees (*arbores*) and shrubs (*frutices*) in various ways, — by suckers (*stolones*) or twigs pulled from the roots of trees; by sets (*rami* v. *talææ*), i. e., branches cut into a point, and fixed in the ground; by layers (*propagines*) i. e., bending a branch, and fixing it in the earth, without disjoining it from the mother tree; by grafting, or ingrafting (*insitio*), i. e., inserting a scion, a shoot, or sprout (*tradux* v. *surculus*) of one tree into another, —

Arbos miratur — novas frondes et non sua poma.

(Virg. Georg. ii. 81.)

by what is termed inoculation (*oculos imponere, inoculare* v. *-atio*), i. e., by making a slit in the bark of one tree, and inserting the bud (*gemma* v. *germen*) of another. The parts of a plant whence it budded were called *oculi*, and when these were cut off, it was said *occæcari*.

The greatest attention was paid to the cultivation of vines. They were planted in the ground well trenched and cleaned (*in pastinato* sc. *agro*), in furrows or in ditches. They were disposed in rows, either in the form of a square or a *quincunx*, with sufficient space between the rows to plough the ground in diagonal furrows. They were supported by reeds (*arundines*), or round stakes (*pali*, whence *vites palare*, to prop them), serving as supports (*adminicula*), about which the tendrils (*claviculae* v. *capreoli*) twined. Each vine was supported by two reeds or stakes with a stick (*pertica*) across, called *jugum* or *cantherium*. When the branches (*palmites* v. *pampini*) were too luxuriant, the superfluous shoots or twigs (*sarmenta*) were lopped off with a pruning hook (*amputata ferro*); hence *vites compescere* v. *castigare*, to lop off the small branches.^f

^f The highest shoots were called *flagella*; the branches on which the fruit grew, *palmae*; the ligneous or woody part of a vine, *materia*; a branch springing from the stock, *pampinarium*; from another branch, *fructuarium*; the mark of a hack or chop, *cicatrix*. The fruit of the vine was called *uva*, a grape; not used properly for a single berry (*acinus* v. *um*), but a cluster (*racemus*). The stone of the grape was called *vinaceus* v. *-um*. The season when grapes were gathered (September or October) was called *Vindemia*, the vintage; hence *windemiator*, a gatherer of grapes.

Vineyards, like fields, were divided by cross-paths, called *limites*. A path or road from east to west was called *decimanus*, from south to north *cardo*, (*a cardine mundi*, the north pole). The spaces (*areae*) between two *semitae* were called *paginae*; hence *agri compaginantés*, contiguous grounds. From the *decimani* being the chief paths in a field, hence *decimanus* is put for *magnus*: *Fluctus decimanus* (Ov. Trist. i. 249., as *τριχυμλα* among the Greeks), the greatest. The grapes were gathered (*decerpebantur*) into baskets, (*quali, fisci*), and trodden with the feet.

CHAPTER XLV.

CARRIAGES OF THE ROMANS.

BEASTS OF BURDEN. — LECTICA. — SELLA CURULIS. — PILENTUM, THENSA. — SARRACUM BOŒTÆ. — INSTRUMENTS FOR DRIVING. — PRINCIPAL PARTS OF A CARRIAGE.

THE carriages of the ancients (*vehicula*) were of various kinds. In the earliest periods beasts of burden (*animalia* v. *jumenta dossuaria* v. *dorsalia*, from *dorsum*) were most commonly used. A pack-saddle (*clitella* v. *stratum*, in later writers, *sagma*) was generally put on the backs of asses and mules, though not of oxen; hence *clitellæ bovi sunt impositæ*, when a task is imposed upon a person which he is unfit for. (*Cic. Att.* v. 15.) He who drove a beast of burden was called *agāso*, and more rarely *agitator*. An instrument put upon the back of a slave or any other person to help him to carry his burden, was called *ærumnula*, *furca* v. *furcilla*; and because Marius, to diminish the number of baggage-waggons, appointed that the soldiers should carry their baggage (*sarcinæ*, *vasa cibaria*) tied up in bundles upon *furcæ* or forks, hence both the soldiers and these *furcæ* were called *muli Mariani*. *Expellere furcâ*, to drive away by force. (*Hor. Ep.* i. 10. 24.)

The *lectica* v. *cubile* was a couch similar to the *palanquin* of the East, on which they lay extended, and thus was distinguished from the *sella gestatoria*, or sedan, in which they sat. The couch or litter was

sometimes open, and sometimes shut; and for this purpose was furnished with curtains (*plagula*), and a window of glass or transparent stone. The *lectica* had four feet, usually of wood, sometimes of silver or gold. It had a mattress stuffed with feathers (hence *pensiles plumæ*, Juv. i. 159.), and sometimes with roses, upon which the individual reclined. The lackeys, or runners, who preceded it, were called *cursores*. The *sellæ* and *lecticæ* were carried by tall slaves (*lecticarii longi* v. *procēri*), by means of poles (*asserēs*) resting on their shoulders; hence they were said *aliquem succollare*. A *lectica* borne by six slaves was called *hexaphoros*, by eight, *octophoros*; in fact, the respectability of a person was estimated from the number of bearers,—the amount of his retinue (*comites*) and clients (*togati*). Juv. vii. 141. The female litter (*lectica* v. *sella muliebris*) differed from that of the other sex.

A sledge or carriage without wheels was termed *traha*, (see p. 347.); a carriage with one wheel, *unaroata* (if drawn by the hand *chiramaxium*); with two wheels, *birotum*; with four *quadrirotium* (τετράκυκλος ἀπήνη v. τετράτροχος, *Hom. Il.*). Two horses yoked to a carriage were called *bigæ* v. *bijūgi*; four, *quadrigæ* (*quadrijugus currus*). Those who drove chariots in the Circus (see p. 54.), were called *quadrigarii*; those who rode two horses, vaulting from one to the other, were termed *desultores*. The curule chair (*sella curulis*) was so called because the magistrates, invested with any curule office (see p. 133.), carried it with them in their chariots. In later times it was adorned with engravings (*conspicuum signis, ebur*, Ov. Pont. iv. 5. 18.).

The *pilentum* was a carriage in which matrons were carried to games and sacred rites; they used the *Car-*

pentum in common (*festo profestoque*) a carriage with two wheels and an arched covering (*currus arcuatus*). The *thensa* was the carriage in which the images of the gods were carried to the Circensian games (see p. 52.); though it is considered by some as a canopy held over the *ferculum*, on which the statue was placed. A carriage with two wheels, for expeditious travelling, was called *cisium* (its body *capsum*). The *rheda* was a four-wheeled carriage (the driver *rhedarius*); the *petorritum* was also a four-wheeled carriage for persons of an inferior rank, drawn by mules. The *essedum* was a chariot used by the Gauls and Britons in war, bearing a warrior (*bellator*), and a charioteer (*auriga*), afterwards adopted for common use by the Romans. A waggon (*vehiculum onerarium*) was called *plaustrum*; and the weight or load, which it could carry at once, *vehes*.^a

^a The *carrus* or *sarrācum* was a four-wheeled waggon; hence the *sarraca Bootæ* v. *-tis* is put for two constellations (*gemini triones*) near the north pole; the *Ursa Major* (Charles's Wain) and *Ursa Minor*. The stars which compose the *Ursa Major* are termed *triones*, i. e. *teriones*, ploughing oxen (see p. 347.); and, as they are seven in number (*septem triones*), and move slowly (*tardi* v. *pigri*) in the vicinity of the pole, hence *Septentrio* and *Arctus* (*ἄρκτος*, a bear) are used for the north. "As these stars go round and round the pole [without ever setting, *metuentes æquore tingi* (Virg. Georg. i. 246.), the analogy between them and the oxen which trod out the corn by going round and round the *area*, or threshing floor, was an obvious one." (Keightley, in *Major's Adam*, p. 487.) The *Ursa Major* is attended by *Böotes* (i. e. *bubulcus*, or ox-driver, *tardi venere bubulci*, Virg. Ecl. x. 19.) — termed, from its situation (*post caudam ursæ majoris*), *Arcturus*, i. e. *ἄρκτου ὄψα*, tail of the bear, or *ἄρκτου ὄψος*, *ursæ custos*, synonymous with *Arctophylax*. The dragon (*draco* v. *anguis*), which separates the two constellations (*geminas qui separat Arctos*), approaches the *Ursa Major* with its tail, and surrounds the *Ursa Minor* with its body. *Amplexus utramque Dividit et cingit stellis ardentibus Anguis*. (Manil. Astron. i. 303, 304.)

The *jugum* or yoke was fastened to the necks of the animals, and to the pole or team (*temo*), by means of leathern thongs (*lora subjugia*); hence *sub jugo cogere*

v. *iungere*. When more than two horses were yoked abreast (*æquatâ fronte*), the others were bound on each side with ropes: hence they were termed *finales equi* (ἑπιρριφάροι παράσκιροι v. παρήγοροι). This method of yoking horses was chiefly used in the Circensian games or in a triumph.^b The instruments by which animals were driven or excited were, 1. The *flagrum* or *flagellum* (μάστιξ), made of leathern thongs or twisted cords tied at the end of a stick, sometimes sharpened with small bits of iron or lead at the end (*aculeati*). 2. A rod or goad with a sharp point (*stimulus*); hence *stimulos alicui adhibere*—*adversum stimulum calces* sc. *jactare* (Ter. Phorm. i. 2. 28.; πρὸς κέντρα λακτίζων, Acts ix. 5.), to kick against the goad. 3. The spur (*calcar*) was only used by riders:—*Spumantis equi foderet calcaribus armos*. (Virg. *Æn.* vi. 881.) The instruments used for restraining or managing horses were the bit or bridle (*frænum*); as it was sometimes rough like a wolf's teeth, hence *frena lupata*,—the reins (*habenæ* v. *lora*); thus *habenæ dare*, &c., to give the rein; *adducere*, to draw in. The driver commonly sat behind the pole, *temone sedebat*; when he slackened his speed, he was said *currum equisque sustinere*. The drag for the wheel was called *sufflamen*. (Juv. viii. 148.)

^b The principal parts of a carriage were the wheels (*rotæ*), the body of the carriage (*capsum* -us v. -a, *pleximum* v. -us), and the pole (*temo*). The wheels consisted of the axle-tree (*axis*), the nave in which the axle moves (*modiſſus*) and the spokes (*radii*) are fixed; the circumference of the wheel (*peripheria* v. *rotæ summæ curvatura*), composed of felloes (*apsides*), and generally bound with an iron or brass hoop (*canthus*). A wheel without spokes was called *tympanum*, from its resemblance to the head of a drum. From the supposed diurnal rotation of the heavenly bodies, *axis* is put for the imaginary line round which they may be supposed to turn, and the extremities of the *axis* (*cardines*, *vertices* v. *poli*) for the north and south poles. *Axis* and *polus* are sometimes put for *cælum* or *æther*; thus, *sub ætheris axe* (Virg. *Æn.* ii. 513.), under the canopy of heaven; *lucidus polus* (iii. 585.), the shining heavens.

CHAPTER XLVI.

THE ROMAN DAY AND YEAR.

DIVISIONS OF THE DAY. — USE OF DIALS, CLEPSYDRÆ. — YEAR OF ROMULUS, OF NUMA. — DIVISION OF THE MONTH BY CALENDÆ, NONES, AND IDES. — YEAR OF THE DECENVIRS. — ARBITRARY REGULATION OF THE CALENDAR BY THE PONTIFEX MAXIMUS. — INTERCALARY MONTH HOW AND WHEN INSERTED.

THE Romans in the earliest period were accustomed to distinguish the different portions of the day and night, according to the varying appearances of light and darkness. Thus we have *media nox*, the end and the beginning of the Roman day; *mediæ noctis inclinatio*, v. *de medid nocte*^a; *gallicinium*, cockcrowing; *conticinium*, when they give over crowing; *ante lucem et diluculum*, just before light or the dawn; *mane*, when the light of the sun appears; *ante meridianum tempus*, forenoon; *meridies*^b, noon or mid-day; *tempus pomeridianum*, v. *meridiei inclinatio*, afternoon; *solis occasus*, sunset; *vespera*, the evening (before the rising of that star which Plautus terms *vesperuginem*, Ennius *vesperum*, and Virgil, *Hesperum*); *crepusculum*, twilight (hence *dubiæ res* are termed *creperæ*, Varr. L. L. vi. 4.); *luminibus accensis*, when candles were lighted (the ancients said *primâ face*); *concubia nox* v. *concubium*, bed-time; *intempesta nox*, or *silentium noctis*, far on in the night; *inclinatio ad mediam noctem*, drawing towards mid-night. (*Censorinus de die nat.* c. 24.)

^a *Sideribus dubiis aut illo tempore quo se
Frigida circumagant pigri sarraca Bootæ.*

(Juv. v. 22, 23.)

"Macb. *What is the night?*

Lady Macb. Almost at odds with morning which is which."

When only the most northern stars are seen revolving. (*Stocker in loco.*) (See p. 352.)

^b From *meri* (genitive of *merum*, i. e., pure brilliance) and *dies*, day: — *quia tunc purius micat æther: MERUM ENIM PURUM dicitur.* (Isidor. Orig. iii. 41.)

The civil day (*dies civilis*) commenced at midnight, which at an earlier period was determined by the observation of the starry heavens, afterwards by the use of the *clepsydra*. The natural night was divided into four watches (*vigiliæ*), each consisting of three hours, like the natural day. Before the introduction of sundials (*horologia solaria* v. *sciaterica*), an *accensus* of the consuls announced the period of mid-day, when he saw the sun from the senate-house between the *rostra* and the place called *Græcostasis*, where ambassadors from Greece and other foreign countries used to stand (see p. 102.). In like manner the servant of the prætor called out the third hour, the time of mid-day, and the ninth hour, i. e. 9, 12, and 3.^c

^c The first dial erected at Rome was brought by Papirius Censor to Rome about the year 463 A. U.; forming part of the booty in the war with Pyrrhus in Lower Italy. Although this dial, being calculated for a different meridian, could not mark the time with precision at Rome, it was not the less conformed to during an entire century. About thirty years afterwards, Valerius Messala placed in the Forum a dial (hence *ad solarium versari*, i. e. *in Foro*, Cic. Quint. 18.), which he had taken at Catania, the latitude of which is five degrees less than that of Rome. In 590 A. U., Q. Marcius Philippus caused the first dial to be constructed: it was probably the work of a foreign artist, for no Roman has written anything on gnomonics. The dial found at Pompeia was made for the latitude of Memphis; consequently it was less adapted to its position than that of Catania was to Rome. (*Encyc. Brit.*) The division of day and night into twelve hours each first became common after the introduction of dials; along with which they borrowed, at the same time, the word *hora* from the Greeks.

That the hours of the day and night were natural, scarcely deserves mentioning, since the Romans made use of a chronometer (the dial) calculated for the natural time, and the *clepsydræ* were arranged according to the dial. This is proved by many passages of the ancients (*Mart. Epigr.* iv. 8. ; *Hor. Ep.* i. 17. 6. ; *Virg. Georg.* iii. 327.). The use of these chronometers appears to have been very common. The dials were more in request for the ordinary purposes of life ; and the *clepsydræ* for courts of justice, in order to portion out the time allotted for speaking to the orators. Hence we have the phrases *sustinere aquam* (to stop the running of the water, whilst witnesses were examined or documents were being put into evidence), *petere* and *dare clepsydras* (to announce that the time of speaking for another pleader or orator has now arrived ; see p. 205.). At the period of the highest luxury in Rome, the rich Romans had particular slaves to announce to them the hours or the time of the day. (*Juv. Sat.* x. 215. ; *Mart.* viii. 67.)

The year of Romulus, according to the acceptance of the ancients, consisted of ten months (*Censorin.* 20.) ; March, April, May, June, July (*Quintilis*), August (*Sextilis*), September, October, November, December. The four months March, May, July, and October, each contained thirty-one days, the remainder only thirty ; the whole year thus amounting to 304 days. According to Plutarch, the irregularity was so great, that, whilst the year reckoned 360 days, some months (of which he assumes twelve in number) did not contain twenty days, others again more than thirty-five. — “ The year of *ten months* was undoubtedly still in use long after the time of the kings, and it continued to be applied in certain cases the original import of which was not recognised by later generations. It appears to have been

frequently adopted in truces ; it was the time for mourning ; for the payment of portions left by will ; for credit on the sale of yearly profits ; most probably for all loans ; and it was the measure for the most ancient rate of interest." (*Niebuhr*, i. p. 241.) Niebuhr and Müller (*Etrusk.* ii. p. 322.) contend for the Etruscan origin of the most ancient Roman year.

The year of Numa was a lunar year, and, in comparison with that of Romulus, was a decided improvement, being probably borrowed from the Greeks in Lower Italy. This lunar year consisted of 355 days. The months were March (31 days), April (29), May (31), June (29), July (31), August (29), September (29), October (31), November (29), December (29), January (29), February (28). Thus Numa added to the original ten months the months of January and February ; February was therefore the last month of the year, and March the first. (*Servius ad Virg. Georg.* i. 43.) In later times these two months became the first in the year. The lunar year of Numa (fettered by reason of certain recurring festivals—*Cerealia*, *Robigalia*, *Parilia*, or *Palilia*, connected with certain seasons of the year) must from time to time be compared with the course of the sun, so that the same months should fall upon the same times of the year.^d

^d The months also were lunar months ; as appears from the division of the month, as well as the etymology of the term *mensis*, derived from the Greek $\mu\eta\nu$:—*Mensis a lunæ motu dictus, dum a sole profecta rursus redit ad eum luna, quod græce olim dicta $\mu\eta\eta\eta$, unde illorum $\mu\eta\eta\eta$ es, ab eo nostri.* (Varro de L. L. i.) The Roman usage differed from the Greek in designating a month *plenus*, in which the number of days was odd, and *cavus*, in which the number was even. The former were considered more lucky and acceptable to the gods ; hence February (28) was an unlucky month.

The month was divided by the *ides* (*idus*) into two portions of unequal duration (*iduate*—*Etrusci linguâ*

dividere est ; inde vidua quasi valde idua, i. e. valde divisa, Macrob. Sat. i. 15.). The *ides* was held sacred to Jupiter, and fell on the fifteenth in those months of Numa which had thirty-one days, and on the thirteenth in the remainder. The *ides*, therefore, was the Greek διχαμυρία, dividing the month into two portions of unequal duration. The first day of the month was called *calendæ* (sacred to *Juno Lucina*), from the Greek καλέω (*a calando v. vocando*), because it was the duty of the *Pontifex Minor* to announce to the people the appearance of the new moon (called *Luces*, Ov. Fast. i. 55.), and also how many days must be reckoned from this time to the *nones* (*nonæ*), so called because, counting inclusively, they were nine days from the *ides*. The space therefore between the *nones* and the *ides* was always the same ; those between the *calends* and *nones* and the *ides* and *calends* were subject to variation.*

* Thus, for instance, as the *ides* fell on the 15th in March, May, July, and October (as they each consisted of thirty-one days), the *nones* would fall on the 7th ; and, in the other months, when the *ides* fell on the 13th, the *nones* would fall on the 5th. "Accordingly, on the day of the new moon, the pontiff cried aloud, *Calo Jana novella* ! five times or seven times, and thus intimated the day of the *nones*, which was quite sufficient for the people. *Jana* was the moon ; and from *Dea Jana* (pronounced *Yana*) was made *Diana*." (Keightley's *Fasti*, p. xx.) That the year of Numa had its intercalary days or months is certain (*Cic. de Leg. ii. 12.*) ; but these were probably arranged and inserted upon no fixed principle, but as occasion might require.

The year of the *decemvirs* was essentially different from that of Numa. It was a cyclical year, arranged according to the *octätetēris* of the Greeks, which became known to the Romans in the time of the second *decemvirs* (304 A. U.), after the first ambassadors had been despatched to Athens (300 A. U.), in order to form an acquaintance with the laws of Solon, and other

manners and institutions. The ancient lunar year of 355 days was still preserved, and 90 days were intercalated in the course of eight years (*octaëtēris*) in order to make up the deficiency.— These days were divided into four months, each containing twenty-two or twenty-three days; so that an intercalary month was inserted every two years.^f

^f The name of this intercalary month is uncertain. The Greeks name it *Μερηθύσιος*, or *Μερηθύσιος* (pay-month); and this name, according to Festus, was anciently given to November: — *Mercedonias (dies) dixerunt a mercede solvendā*. The Romans call it merely *mensis intercalaris* or *intercalarius*. The intercalating of this month was left to the discretion of the pontifices, who, by inserting more or fewer days, used to make the current year longer or shorter, as was most convenient for themselves or their friends; for instance, that a magistrate might sooner or later resign his office, or contractors for the revenue might have a longer or shorter time to collect the taxes. In consequence of this licence, the months were transported from their stated seasons. "It is remarkable that, among the reasons which detained Cicero in Italy longer than he expected, he mentions the tempestuous weather of the equinox, and the calms that succeeded it; yet this was about the end of May (*ad Att.* x. 17, 18.), which shows what a strange confusion there was at this time in the Roman calendar." (*Middleton's Life of Cicero*, ii. p. 88.)

The intercalary month was usually inserted in February, which, at this period, was still the last month of the year; and the following remarks of Ideler will serve to show how it affected the dating of the months of February and March. February (at other periods of twenty-eight days) consisted in leap-year of only twenty-three. Instead of saying, as in the common year, *ante diem xvi Calendas Martias*, it was termed in leap-year A. D. xi *Calendas intercalares*—because in this month there would be only twenty-three days, and the calends of the following month would fall therefore five days earlier. The *Terminalia*, which in the ordinary year fell upon A. D. vii *Calendas Martias*, were in leap year *pridie Calendas Martias intercalares*.

The calends, nones, and ides of the leap-month were generally written with the addition *intercalares*. The five days which (as we have seen) were omitted in February, were inserted at the end of the leap-month, which then consisted of twenty-seven or twenty-eight days. After the ides it was written either A. D. xv or A. D. xvi *Calendas Martias*, according as the leap-month had twenty-two or twenty-three days. (See note.) In both cases the *Regifugium* was, as in the common year, A. D. vi *Calendas Martias*. In proof of this we may cite the following passage:—Livy (xxxvii. 59.) says of L. Scipio, “he triumphed in the intercalary month *pridie Calendas Martias*. In Cicero (*pro P. Quintio*, 25.) it is said, *Dic, Nævi, diem. Ante v. Calendas intercalares*, on the 20th of February.”^s (*Handbuch der Chronologie*, ii. p. 59.)

^s “In like manner *dejicitur de saltu pridie calendas intercalares*, on the 23d of Feb. In Asconius Pædianus (*Comment. in Cic. Orat. pro Milone*, p. 186. ed. Lugd. Bat. 1644), — *Pompeius ab interrege Servio Sulpitio V Calendas Martias mense intercalario consul creatus est*; either on the 24th or 25th of the leap-month, after it consisted of 27 or 28 days (properly 22 or 23), in the year 702 of the city, to which the passage refers.” (*Handbuch der Chronologie*, ii. p. 59. sq.) This rule for intercalation was not, however, always adhered to; and an exception from it, in the time of Cicero, does not appear as unusual. (*Liv.* xlv. 44., xliii. 11.; *Cic. Ep. ad Att.* v. 21., vi. 1.; *ad Div.* vii. 2.) Afterwards, in order to equalise the civil with the solar year, the cycle of intercalation was extended to three periods of eight years, for the sake of lessening the intercalary days. In the third *octiëtris*, not ninety but only sixty-six days were intercalated.

CHAPTER XLVII.

THE ROMAN DAY AND YEAR.

THE YEAR OF JULIUS CÆSAR. — ROMAN METHOD OF DENOTING THE DAYS OF THE MONTH. — LEAP-YEAR. — JULIAN CALENDAR. — NUNDINES.

THE year of Julius Cæsar was the most celebrated of all; and under the title of the "Julian year," maintained itself in common use till 1582 A. D., and at this day is still adhered to by the Greek Christians. Cæsar, as *Pontifex Maximus* (to whom the regulation of the calendar was committed), availed himself of the opportunity to improve it. In order to introduce this improvement he inserted in the current year, besides the intercalary month of twenty-three days (which fell into it of course), two extraordinary months between November and December, the one of thirty-three and the other of thirty-four days, so that the year consisted of fifteen months, or 445 days (i. e. eighty days more than the solar year). The calends of the first extraordinary leap-month were termed *calendæ intercalares priores*, and the calends of the second, *calendæ intercalares posteriores*; and the whole year was termed the last year of confusion (*annus confusionis ultimus*, Macrob.). This reformation was effected 708 A. U. C., 46 B. C. ^a, and brought back the calends of January (which had moved towards the vernal equinox) to its original place in the solar year.

^a In the Roman mode of reckoning years, we distinguish a civil and a historical. In the former (which may also be termed

the *political*, as it was used in public acts) the years were reckoned after the consuls, although these did not always enter annually on their office; in the latter they reckoned *ab urbe conditâ*. The epoch of the political or consular *æra* is uncertain; for in the earliest times of the republic, the consuls entered upon their office on the calends of August; in the time of the decemvirs, on the ides of May; then on the ides of December; and, still later, on the ides of March. From the consulate of Q. Fulvius Nobilior and T. Annius Luscus, in the year 601 (v. c.), the consuls entered upon their office on the 1st of January. The two most usual *æras* of the *building of Rome* are the Varronian and Catonian. The former dates from the *Parilia* or *Pahlia* (a feast which was celebrated *undecimo calendas Martias*, April 21.), 753, or Olymp. 6, 3.; and the latter from the same anniversary in the preceding year (752). Both were in use at Rome; yet the Varronian obtained the preference over the Catonian, particularly from the time of Claudius; being adopted by Pliny, Tacitus, and Dio. The difference of nearly four months betwixt the year of our reckoning and the year of the city is seldom taken into account. The historians very generally give the consuls along with the year of the city. (*Ideler's Hand. der Chron.* p. 150. 147. 168.) For the mode of converting A. v. into B. c., and *vice versa*, see p. 1.

All this was effected by the care and skill of Sosigenes, a celebrated astronomer of Alexandria, whom Cæsar had brought to Rome for that purpose; and a new calendar was formed from this arrangement by Flavius the scribe. With respect to the form which Cæsar gave this solar year, we may observe that, as the year now consisted of 365 days, the additional ten days (for Numa's year amounted to 355 days) were distributed among the other months. Thus January, August, and December were raised from twenty-nine to thirty-one days, and April, June, September, and November were raised from twenty-nine to thirty days. In order that no change might be effected in the intervals between the feasts of each month (or, as Censorinus expresses it, *ne religiones sui cujusque mensis a loco submoverentur*), he placed the additional days at the end of each month (*peractis cujusque mensis feriis*, as Macrobius says).^b

^b Thus, in January (continues Macrobius) was added iv and

iii *cal. Febr.*; in April, vi *cal. Maji*; in June, iii *cal. Julii*; in August, iv and iii *cal. Sept.*; in September, iii *cal. Oct.*; in November, iii *cal. Dec.*; in December iv and iii *cal. Januarii*; in April it would appear that iii. *cal.* must be read instead of vi *cal.*, since the Floralia took place on iv *cal.* The five remaining months preserved their ancient duration; February, says Macrobius, in particular, *ne deum inferum religio immutaretur*. No alteration was made in the position of the nones and the ides; so that the four months, March, May, July, and October were thereby easily distinguishable as the months that had originally thirty-one days. Instead of reckoning (as had been previously the case in all the months with the exception of February) seventeen days from the ides of the current month to the calends of the succeeding month, it was now expressed *a. d. xix cal.* after the ides in January, August, and December; because the ides were not removed from the 13th, and these months had been raised to thirty-one days ($13 + 19 = 32$, i. e. 1st or calends of Feb., &c.). So, in April, June, September, and November, it was now *a. d. xviii cal.*; in March, May, July, and October, *a. d. xvii*, as before; and in February *a. d. xvi calendas* ($13 + 16 = 29$, or 1st of March).

The Romans, in marking the days of the month, counted backwards; or, at all events, their method of counting was the reverse of ours. Thus there were certain divisions of the month (*calends, nones, ides*), and the days were dated in reference to the approaching divisions, and not to those that were past. We may take, for instance, the month of January. In this month the nones fell on the fifth, and (as there were always eight days between the nones and the ides, or nine days, reckoning inclusively) the ides fell on the thirteenth. When January was raised to thirty-one days, the day after the ides would be the *nineteenth* before the calends, or first of February. Thus, instead of calling the second of January the second of the calends, it was termed *ante diem*^c (generally written *a. d.*) iv *nonas Januarias*, or the *fourth* before the nones; and instead of calling the day after the nones the second of the nones, it was termed *a. d. viii idus Januarias*, or *iduum Januarii*, the *eighth before the*

ides; in like manner the day after the *ides* was termed the *nineteenth before the calends of February*.^d

^c The phrase *ante diem* does not mean *before the day* marked by the numeral, but *on the day*. Thus *Scripti a. d. decimum sextum* (or *xvi*) *calendas Februarias* (Cic. *ad Div.* i. 2.), might also be expressed *decimo sexto cal. Feb.* It may be asked what was the original meaning of *ante* in this case. Scaliger is of opinion that *ante diem* is to be explained from the Romans commencing their day at midnight; *dies* is therefore taken here for the natural day, which was preceded by six hours of the civil day (the civil day commencing at midnight). Petavius considers *ante diem* to bear the same signification as *ante diem confectum*, i. e. *ipso die*. It is more natural, however, to suppose that *ante diem* is a case of inversion, and that *a. d. decimum sextum calendas* might be originally expressed *decimum sextum ante calendas*. Thus we have in Tacitus (*Ann.* xii. 69.), *tertio ante idus Octobres*. In the passage *ante quem diem iturus sit* (Cæs. d. B. C. i. 11.) *ante quem diem* is used for *quo die*; the usage having arisen from the mode of dating. So also in the same writer, *dies erat ante diem, v. cal. Aprilis*; this was the 28th of March. The Greek writers also make use of this form, when dating after the Roman calendar. So Plutarch (*Vita Romuli*, 12.) says Rome was built *ἡμέρα τῇ πρὸ ἑνδεκά Καλαυδῶν Ματῶν*. (Ideler, *Handbuch d. Chronologie*, ii. p. 127. *sqq.*)

^d The current days of this month would therefore be marked as follows: — 1. *Calendæ Januariæ*, or *Januarii* (i. e. *mensis*); 2. *a. d. iv nonas Januarias*, or *nonarum Januarii*; 3. *a. d. iii*; 4. *pridie* (i. e. *priore die*) *nonas Januarias*; 5. *Nonæ Januariæ*; 6. *a. d. viii idus Januarias*, or *iduum Januarii*; 7. *a. d. vii*; 8. *a. d. vi*; 9. *a. d. v*; 10. *a. d. iv*; 11. *a. d. iii*; 12. *pridie idus Januarias*; 13. *idus Januariæ*; 14. *a. d. xix calendas Februarias*, or *calendarum Februarii*; 15. *a. d. xviii*; 16. *a. d. xvii*; 17. *a. d. xvi*; 18. *a. d. xv*; 19. *a. d. xiv*; 20. *a. d. xiii*; 21. *a. d. xii*; 22. *a. d. xi*; 23. *a. d. x*; 24. *a. d. ix*; 25. *a. d. viii*; 26. *a. d. vii*; 27. *a. d. vi*; 28. *a. d. v*; 29. *a. d. v*; 30. *a. d. iii*; 31. *pridie calendas Februarias*. According to this analogy, the calendar may easily be continued if we only recollect that in the months of March, May, July, and October the second day must be marked *a. d. vi nonas* (because the nones fell on the seventh); whilst, in the other months, this day is marked *a. d. iv non.*, as the nones fell on the fifth. Sometimes, instead of saying *a. d. iii calendas*, it was expressed *tertio (die ante) calendas*, or *tertio calendarum*, &c.; *a. d. ii* was always marked *pridie*. "We sometimes meet with such modes of expression as *in ante tertium nonas*, and *ex ante diem nonas*, where *ante diem* is used objectively; so also *ad pridie nonas*."

*A Table of the Calends, Nones, and Ides.**

Days of the Month.	April, June, September, November.	January, August, December.	March, May, July, October.	February.
1	Calendæ.	Calendæ.	Calendæ.	Calendæ.
2	IV.	IV.	VI.	IV.
3	III.	III.	V.	III.
4	Prid. Non.	Prid. Non.	IV.	Prid. Non.
5	Nonæ.	Nonæ.	III.	Nonæ.
6	VIII.	VIII.	Prid. Non.	VIII.
7	VII.	VII.	Nonæ.	VII.
8	VI.	VI.	VIII.	VI.
9	V.	V.	VII.	V.
10	IV.	IV.	VI.	IV.
11	III.	III.	V.	III.
12	Prid. Id.	Prid. Id.	IV.	Prid. Id.
13	Idus.	Idus.	III.	Idus.
14	XVIII.	XIX.	Prid. Id.	XVI.
15	XVII.	XVIII.	Idus.	XV.
16	XVI.	XVII.	XVII.	XIV.
17	XV.	XVI.	XVI.	XIII.
18	XIV.	XV.	XV.	XII.
19	XIII.	XIV.	XIV.	XI.
20	XII.	XIII.	XIII.	X.
21	XI.	XII.	XII.	IX.
22	X.	XI.	XI.	VIII.
23	IX.	X.	X.	VII.
24	VIII.	IX.	IX.	VI.
25	VII.	VIII.	VIII.	V.
26	VI.	VII.	VII.	IV.
27	V.	VI.	VI.	III.
28	IV.	V.	V.	Prid. Cal.
29	III.	IV.	IV.	Martii.
30	Prid. Cal.	III.	III.	
31	Mens. seq.	Prid. Cal. Mens. seq.	Prid. Cal. Mens. seq.	

* "As the Romans called the second day before the calends, &c., *tertio*, the third, *quarto*, &c., it is necessary, in accommodating their dates to our calendar, to add one to the number of the nones and ides; and two to the number of days in the month for the calends, and then to subtract the number of the day; e. gr. to find the Roman date of July 21st: $33 - 21 = \text{xii Cal. Sextiles}$." — Zumpt's Lat. Gr. p. 427.

From the numbering of the days of the month it is clear that the Romans, when expressing an interval

of time, always included the day from which they reckoned backwards, in the same manner as we reckon eight days from Sabbath to Sabbath. Hence we may understand why the eighth day before the ides should be termed *nonæ*. When we wish to accommodate the Roman dates to our calendar, we must add *one* to the number of the nones (5 or 7, *quintanæ* or *septimanæ*) and ides (13 or 15,) as the case may be, and *two* to the number of days in the month for the calends; and then we must subtract the number of the day. Thus, if we take *a. d. iii Nonas Januarias*, the birth-day of Cicero, by adding *one* to the nones ($1+5=6$), and subtracting the Roman numeral *iii*, we find that it is the 3d of January. So also *a. d. iv Idus Quintiles*, the birth-day of Cæsar, by adding one to the ides of this month ($1+15=16$), and subtracting the numeral *iv*, we obtain the 12th of July. Again, *a. d. xi Cal. Maias*, the day on which the building of Rome was commenced, by adding two to the number of days in the month ($2+31=33$), and subtracting the numeral *xi*, we obtain the 21st of April. (*Ideler's Handbuch*, p. 129. sq.)

The intercalary day occurring every fourth year, was inserted between *Terminalia* and *Regifugium*, or between *a. d. vii* and *vi Cal. Martias*. In order that no alteration might be made (during leap-year) in marking the *terminalia*, and the other days backwards to the ides of February, Cæsar ordered the leap-day to be expressed by *a. d. bissextum Cal. Martias*, whence it received the name of *bissextus*—*quod nunc bissextum vocatur* (as it is termed in Censorinus). Hence the year, in which the intercalation took place, was called *annus bissextus*^f; the term *bissextilis*, frequently met with in modern chronologers, was unknown to the Romans. It first occurs in Beda (*de temp. rat.* c. 9.).

^f *Augustini epist.* 119. c. 7.: *Non plantem hoc anno vineam; qui bissextus est.* We see that the superstitious did not consider merely the *dies bissextus*, as Ammianus remarks, but even the whole year as unlucky. The *calendarium rusticum siderale* (*Colum.* ix. 14.) has been already explained (see p. 25., note). "When Virgil (*Georg.* i. 257.) says,—

*Nec frustra signorum obitus speculamur et ortus
Temporibusque parem diversis quattuor annum,*

it is (as Voss observes) more probable that it is one of these calendars, and not the actual heaven that he means." (*Keightley on Ovid's Fasti*, p. 15.) *Bissextus* itself, when applied to the day (*bissextus dies*) only occurs in writers of a late date; for instance, in Dionysius Exiguus (*Argumenta Paschalia*, p. 86. ed. Jani), and Isidorus (*Etym.* vi. 17.). Whether Macrobius (*Sat.* i. 14.) and Ammianus Marcellinus (xxvi. 1.) say *bissextus* or *bissextum* is not clear.

It was the intention of Cæsar to intercalate a day every fourth year ("*peracto quadriennii circuitu, or quinto quoque incipiente anno*"), in order to take in the remaining six hours which the Julian year falls short of the solar.^g Yet, as his death took place in the second year after the reformation of the calendar, this matter was capriciously managed by the *pontifices*; and during a period of thirty-six years, twelve days were intercalated instead of nine. The twelfth intercalation took place 745 A. U. Augustus remedied this neglect by ordering (746 A. U.) that twelve years should pass without intercalation, by which means the year 761 A. U. (8 A. D.) was first intercalated, from which period the Julian mode of reckoning has suffered no interruption till modern times. Along with this improvement, Augustus also gave his own name to the month *Sextilis* (*Suet.* Aug. 31.), because in this month he had obtained many victories, and also *Julius* to the month *Quintilis*, because Cæsar was born in it.^h

^g To speak correctly, 5 hrs. 48 min. 48 sec. This error gave rise to the reformation of the calendar by Pope Gregory, A. D. 1582, who caused ten days to be entirely sunk or thrown out of

the current year, between the 4th and 15th of October, in order to correct it.

^a Cæsar connected with his year a calendar, in which, like Meton and Eudoxus, he marked the rising and setting of the stars, and the *ἐπισημοίαι*, or indications of the weather, according to the days of the month. On this subject much information may be found in the *Fasti* of Ovid, in the great work of the elder Pliny, in Varro, and Columella. He divided the year into eight periods or seasons, — *Bruma* (December 25.), *Veris initium* (February 7.), *Æquinoctium vernum* (March 25.), *Æstatis initium* (May 9.), *Solstitium* (June 24.), *Autumni initium* (August 11.), *Æquinoctium autumni* (September 24.), *Hiemis initium* (November 11.). Hence it appears that Cæsar did not, as we do now, place the commencement but the *middle* of spring, summer, autumn, and winter at the equinoxes and solstices. As the commencement of spring was not announced by the appearance of any star, but by the blowing of *Favonius*, hence a *Favonio* means from the commencement of spring, in the same manner as a *Vergiliarum exortu*, a *Fidiculæ occasu*, and a *Vergiliarum occasu* (i. e. from the rising or setting of particular stars), were used with respect to the commencement of summer, winter, and autumn. The *Vergiliæ* were the Pleiades.

The Roman *nundines* (*nundinæ*) was an eight days' week of very ancient institution, being ascribed to the Etruscans. (*Müller, Etrusker*, ii. p. 324. *sqq.*) The countryman laboured for seven days; on the eighth he came into the city on business, and to inform himself about state-matters. On the eighth day too the kings gave audience and administered justice. The *nundinæ* never varied, for they had no relation to the body of the year. Yet still the Romans sought to prevent their coinciding with the commencement of the new year and the nones (*Macrob. Sat.* i. 13.; *Dio Cass.* xlviii. 33.) by the insertion or striking out of single days; and on this account, their mode of reckoning the year has become uncertain for our time. (*Ideler, Handbuch*, ii. 69. 193. 196. *sq.*)

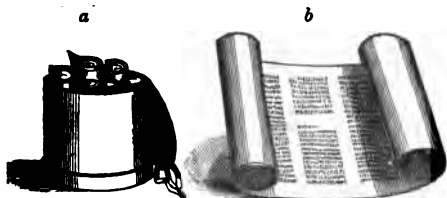
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πρωτόκολλον, and the last ἐσχατόκολλον (from κόλλα, glue; hence too μακρόκολλον, *supra*.) They were then rolled upon a cylinder or staff (*umbilicus*); hence *tolumen*^c, a volume or scroll; *evolvere librum*, to open a book to read. The two extremities of this stick or



a, Capea or scrinium for the reception of MSS.

b, Volumen or MS. roll

cylinder were termed *cornua*; and as it was usual to affix a ball or boss (*bullæ*) to these extremities, for the sake of ornament or security, (generally termed *umbilicus*), hence *ad umbilicum adducere*, to bring to a conclusion (Hor. Ep. xiv. 8.); *binis umbilicis decoratus liber* (Stat. Sylv. iv. 9. 8.). When an author wrote on the back of the scroll (*in chartâ aversâ—in tergo*), or, in other words, on both sides, it was called *opistographus*.^d Tablets of a triangular shape (δέλτοι) were generally written on both sides among the ancient Greeks.

^c The *codex*, on the other hand, consisted of single sheets of parchment or *papyrus* (*chartæ, quaterniones*) fastened together behind with a slip or thong of leather; hence it was also applied to large works, as *Codex Justinianus, Theodosianus, &c.* The *Diurna* were journals, containing notices of all that transpired daily in the capital. *Diurna populi Romani per provincias, per exercitus cæstatis leguntur, ut noscatur, quid Thræsa non fecerit.* (Tac. xvi. 22. Cf. Ernesti ad Tac. iii. 3.)

^d *Οπισθεν, behind; and γράφω, to write:—

Scriptus et in tergo necdum finitus Orestes.

(Juv. i. 6.)

Martial, in the following epigram (viii. 62.), plays upon the term:—

*Scribit in aversâ Picens epigrammata chartâ;
Et dolet, averso quod facit illa Deo.*

The title (σύλλαβος, *index*) of a volume or *codex*, along with the name of the author, was sometimes written in red colours on the back of the first sheet (πρωτόκελλον), which remained visible after the sheets had been rolled on the cylinder, and sometimes upon a slip of paper (πιττάκιον, *membranula*) attached to the volume.* These rolls or volumes were preserved in round boxes or cases (*cistæ, capsæ, foruli, γλωσσόκομον*), and the care of carrying them from place to place, according as they might be wanted, was committed to particular slaves (*capsarii*). The volumes were bound round with strings or ribands, sometimes fastened with locks. The ink (τὸ μέλαν, *atramentum, sepia*) of the ancients was a sort of colouring, as is proved by the elevation of the letters upon the Herculanean MSS.

* The transcribers of books were termed *librarii*; the book-binders, *glutinatores, βιβλιοπηγοί*. They polished them with pumice stone; anointed them with the juice of cedar (*cedro illinebant*), for the sake of preservation; hence *carmina cedro linenda*, worthy of immortality. (*Hor. A. P.* 332.) They marked the title or index with vermilion (*minium* v. *cinnabaris*), purple (*coccus* v. *purpura*), red earth or ochre (*rubrica*). There were persons also who took care of the library (*a bibliothecā*), assisted their employers in their studies (*a studiis*); the readers were called *anagnostæ*. The term *acroama* is applied to every one who amuses the hearers, whether by recitation, singing, or music. Hence Nepos says of Atticus: — *Nemo in convivio ejus aliud acroama audit, quam anagnosten*, Att. 14. (*anagnosten*, a reader). Martial (in allusion to a poet who was in the habit of reciting the verses of this author as his own) advises him to purchase the MS. of some obscure author (*virginis pater chartæ*): —

*Sed pumicatâ fronte si quis (liber) est nondum
Nec umbilicis cultus, atque membranâ.*

(Mart. i. 66.)

And, again, in addressing his little book, —

*Cedro nunc licet ambules perunctus,
Et te purpura delicata velet,
Et cocco rubeat superbus index, (iii. 2.);*

which is easily explained from the preceding remarks. As the titles and heads of laws were written with vermilion, hence *rubrica vetavit* (Pers. v. 90.), the laws have forbidden.

Perlege rubras Majorum leges.

(Juv. xiv. 193.)

The inkhorns (*atramentaria*) were usually made of lead, sometimes of silver, and were generally polygonal in their form. In writing it was customary to make use of the Egyptian reed (*calamus, arundo*); though the reed from the island of Cnidos was frequently preferred. (Quills were not used for this purpose till the seventeenth century after Christ.) These reeds, which were provided with slits like our modern pens, were kept in *calamariae* or *theca graphiarie*. In the earliest period it was customary to write in uncial or capital letters (*litteræ quadratæ*), without making any distinction between single words by leaving a space, or between the different members of a sentence by punctuation.^f Hence errors might be easily committed by transcribers, which it would be difficult afterwards to rectify. The lines (*στίχοι, versus*) were uniformly continuous in prose writers as well as in poets; and their number in a sheet varied from forty to seventy.

^f "When, therefore, we meet in ancient books with any thing respecting τὸ διαστίχειν, or punctuation, as in Aristotle's Rhetoric, or in the Commentaries of the Fathers (especially Theodoret, who often directs how a passage ought to be διαστύκτεον), we are not to suppose they mean what we call *punctuation*, but only those *pauses in reading* which boys were taught at school by masters of grammar." (*Ernesti's Institutio Interpretis*, ii. p. 22. Eng. Trans.)

The instrument used for writing on waxen tables (*tabulae, ceræ*), &c. was an iron pencil with a sharp point (hence "*exaro*, to write,") called *stylus* or *graphium*. The *stylus* was broad at one end; so that when they wished to correct any thing, they turned the *stylus*, and smoothed the wax with the broad end; that they might write on it anew; hence *sæpe stylum vertas*, make frequent corrections (*Hor. Sat. ii. 3. 2.*). For the sake of this convenience, as well as of expedition, an author usually wrote on these tables previous to transcribing what he had written on paper or parch-

ment. The labour of correction was compared to that of working with a file (*limæ labor*); hence *opus limare*, to polish, *limæ mordacius uti*, to correct more carefully (*Ov. Pont. i. 5. 19.*): or to beating on an anvil; *Ab-latum mediis opus est incudibus illud*, the work was published in an unfinished state. (*Ibid. 29.*)

The Romans usually carried with them wherever they went small writing tables called *pugillares* v. *-ia*, made of citron, box-wood, &c., and containing two (*duplices*, διπτυχοί), three, four, five, or more leaves. §



a. Inkstand.

b. Pugillares.

They wrote on them with a *stylus*; hence *ceris et stylo incumbere*, for *in pugillaribus scribere* (*Plin. Ep. vii. 27.*). What a person wrote with his own hand was called *chirographus*. As the Romans never wore a sword or dagger in the city, they often, upon a sudden provocation, used the *graphium* or *stylus* as a weapon (*Suet. Cæs. 82.; Cal. 28.; Cl. 15. 35.*); hence probably the *stiletto* of the modern Italians.

§ The *adversaria* of the Romans was a sort of *day-book* for registering the different items of receipt or expenditure; the *tabula*

or *codex accepti et expensi* was a regular ledger : — *Quid est quod negligenter scribamus adversaria? Quid est quod diligenter conficiamus tabulas? Quia hæc sunt menstrua, illæ sunt æternæ.* (Cic. Q. Rosc. ii.) A writ conferring any exclusive right or privilege was called *diploma* (i. e. *libellus duplicatus*, consisting of two leaves), granted by the emperor or any Roman magistrate. It was similar to what we call *letters patent*, i. e. open to the inspection of all. (Suet. Aug. 50.; Calig. 38.; Ner. 12.; Oth. 7.)

The Romans, at least in the time of Cicero, divided their letters, if long, into pages (*paginæ*), and folding them up in the form of a pocket-book or account-book (*libellus memorialis* v. *rationalis*), with distinct pages, like our books. This custom was introduced by Julius Cæsar in his letters to the senate; and hence, after this, all applications and requests to the emperors, &c. being written and folded in this form, were termed *libelli*, or *codicilli*. In writing letters, the Romans always put their own name first; then that of the person to whom they wrote, sometimes with the addition of *suo* as a mark of familiarity or fondness. They always annexed the letter S. for *salutem* sc. *dicit* ("wishes health"), like the Greek *χαίρειν*; hence *salutem alicui mittere*, to send compliments to any one. They anciently began with *Si vales, bene est, vel Gaudeo ego valeo*; and they ended with *Vale — Cura ut valeas; Ave* or *Salve*.

As their names were prefixed to the letters, consequently there was no necessity to subscribe them. A wish was sometimes added for the prosperity of the person to whom they wrote (as *Deos obsecro ut te conservent*); and this was termed *subscriptio*. When the letters were folded, they were tied round with a little thread (*lino obligabantur*). They then covered the knot with wax, or a kind of chalk (*creta*), and sealed it with their rings (*obsignabant*); hence *epistolam resignare, aperire* v. *solvere*, to open a letter. If any small postscript remained after the page was completed, it was written crosswise

(*transversim*) on the margin. As the Romans had no established posts, letters were despatched by messengers (*tabellarii, servi a pedibus*). The Romans had slaves or freemen who wrote their letters (*ab epistolis, a manu v. amanuenses*)^h; so also those who attended to accounts were called *ratiocinatores v. a rationibus*.

^h We may remark that *servus ad manum*, or *ad pedes*, refers merely to the accidental position of the slave: — *Servus, qui comanti ad pedes steterat*, Sen. Sometimes *ad*, however, refers to the purpose or occupation for which a slave is procured: — *Servos ad remum dabamus* (Liv. 34. 6. 13.), i. e. *remiges* — *Lygdamis ad cyathos (erat)*, Propert. 5. (4.) 8. 57., i. e. *pincerna*, or cup-bearer. — *Ramshorn*.

CHAPTER XLIX.

PALÆOGRAPHY.

FORMS OF LETTERS. — ABBREVIATIONS. — TRANSCRIBERS. — CRITICAL MARKS OF ARISTARCHUS. — VARIOUS SOURCES OF ERRORS IN MANUSCRIPTS. — EARLY ROMAN LITERATURE. — LIBRARIES.

A KNOWLEDGE of the changes which have occurred in the art and mode of writing is indispensable for the critic, as it enables him to detect many errors which might otherwise escape his attention. From the uncial or capital letters (p. 373.) gradually arose the *semiquadrata literæ*, which are to be found in the most ancient manuscripts; and these were succeeded by the small letters or running-hand (*literæ cursivæ, minuscule*), which is to be met with in more modern manuscripts. Particular mention must also be made of the abbreviations (*σημεία, notæ, signa, sigla, compendia, μονογράμματα*), which occur not only in inscriptions upon monuments and coins, but also in MSS., and which appear to have been in use so long as the uncial letters, and letters approximating in size to the uncial, were adhered to. When the smaller letters came into use, and the abbreviations were gradually resolved, their meaning was but imperfectly understood, and thus errors were occasioned in the transcription of more ancient MSS.

These abbreviations consist either in single letters for whole words, or in the first syllables of words, or also in particular signs, as in rhetorical, astronomical, chemical, medical, and musical works, to denote

different figures of speech, weights, and measures. The invention of these belongs without doubt to the Greeks, although they appear to have been in use among the Romans at an early period. From the time of Cicero till the tenth century they were formed into a complete system, and were generally received under the title of *Tironianæ notæ*.^a They were particularly made use of by transcribers (σημειογράφοι, ταχυγράφοι, *notarii*), in the multiplication of copies.

^a By reason of the term *Tironianæ notæ*, which came into use during the middle ages, and of a false interpretation of a passage in Isidorus (*Orig.* i. 21.), it has been erroneously supposed that we owe the invention of these abbreviations to Tullius Tiro, the freedman of Cicero. (*Kopp's Palæographia Critica*, i. § 26, 27, 28. 31. 33.)

The necessity of a great multiplication of copies, arising from an increasing civilisation, appears to have been the reason why many copyists (βιβλιογράφοι, *librarii*, *scriptores librarii*, *scribæ librarii*) were simultaneously employed by the dictation of one work. Many mistakes must have doubtless arisen this way^b on the part of the copyists, or even through the errors of the person dictating, although copies written with accuracy were still held in high estimation. (*Gell. Noct. Att.* v. 4.)^c

^b Thus, in MSS., we meet with frequent permutations of letters, syllables, and words that are similar in sound, as *χρῆμα*, *κρίμα*, and *ῥῆμα*, *χρῆσις* and *κρίσις*, *Χῖος* and *Κεῖος*, &c.

^c Aristarchus was the most celebrated among the critics of the Alexandrine school. His critical marks were, the *obelus* (ὀβελός), by which he distinguished those passages which required transposition; the *litura seu falx*, by which he marked errors in grammar, deviations from the best MSS., or from the genius of the language or writer; the *virgula*, by which he distinguished unimportant errors; and the *asteriscus*, pointing out beautiful passages. Quintilian speaks about the severity of the ancient grammarians, not only in marking what they considered as spurious passages, *censoriâ quâdam virgulâ*, but classifying some authors and rejecting others.

Another source of errors is to be found in the ignorance and negligence of transcribers (*librarii*), as appears from the complaints of the ancients themselves. (*Cic. Ep. ad Quint.* iii. 5.; *Mart.* ii. Epig. 8.; *non meus est error, nocuit librarius illis*;) Strabo, Geogr. xiii. p. 907.) In this manner the transcribers corrupted even the works of living writers; for the writers, especially among the Romans, did nothing more for the propagation of their works, than (like Cicero or the elder Pliny) commit the transcription of them either to their slaves, or leave them in the hands of booksellers (*bibliopōlæ*), who superintended the transcription of them for their own profit, whilst the writers seldom received any indemnification for their labour. (See however the note in Major's *Adam*, p. 451.) Authors, however, appear to have been frequently induced by the errors of transcribers to revise and improve their works with care, and in this manner to bestow a higher value upon them—*Hæc illis pretium facit litura* (*Mart.* vii. 16.). Various readings in different MSS. may thus have originated with the author himself.^d

^d The writings that have suffered the most in this way are those which have been the most read and the most frequently transcribed; as the writings of Demosthenes, Theognis, Lycophron, Dionysius Periegetes, Cicero, Horace, Juvenal; since they were used as *compendia* in education, or were suited to the taste of the times. Next to these may be reckoned those works of a writer which, by reason of their number or great extent, were only transcribed in portions, as the poets (especially the dramatic), the orators, historians, and single philosophers. This partial transcription, arising from necessity, originated, without doubt, at an early period. This is proved by the dissimilarity of many manuscripts, which, though very ancient, are deficient in some books and in others not. To these sources of errors we must add the arbitrary *glosses* and interpolations of grammarians and copyists, and the fact that, during the middle ages, the copying of works was frequently imposed upon monks, as a branch of cloister discipline, and, therefore, in many cases, must have been executed very superficially.

Concerning the origin of Roman literature there

prevails a general opinion among the ancients, ascribing the consolidation of its first rude elements to Livius Andronicus, a Greek captive (514 u. c.). Some degree of literary cultivation must however have previously existed, if we accept as credible that the Latin translations of Greek plays executed by Livius Andronicus found acceptance with the Romans as the first literary productions. The ancient carousal-songs, in which the heroic deeds of their great men were celebrated (*πάτριος ἔμνος*, *Dionys. Hal.* i. 79.); the religious hymns (*carmina Saliaria*, *Axamenta*^e), whose composition was ascribed to Numa; the sacred songs of the *Fratres Arvales* (all of which were regulated as to form by the very ancient *Versus Saturninus*, nearly allied to prose), concur to show that the mind of the nation was already awakening from its slumber.

^e Probably from *axibus* (i. e. *tabulis*, compare the Greek *ἄξιβες*), and not from *axare* (i. e. *nominare*).

The old Italian mimetic festivities, instituted in honour of Faunus, in which unbridled wit was bandied in alternatè verses (*carmen amœbæum*, in the same manner as was the case with slaves against their masters on the *Saturnalia*), must have contributed to excite a taste for literary cultivation. Important too in its influence upon literature was the desire awakened in the Romans, at a very early period, to establish their social relations by laws corresponding to the wants of the time. These at a later period were formed into one collection, under the title of *leges regiae*, the foundation of which was laid by the *Commentarii regis Numæ*, and the sacred right (*indigitamenta*). Papirius is said to have collected them (about 240 u. c.); hence the collection was termed *Jus Papirianum*, and has

been illustrated by later grammarians, as by Granius Flaccus.^f

^f Besides these early beginnings of established jurisprudence, or administration of right, attention was also paid to the chronicling of remarkable political and religious events. The *Libri Liutei* appear to have been the oldest and most authentic political annals, which were drawn upon by the later historians, (as Quintus Tubero, Licinius Macer,) the sources of Livy. (*Liv.* iv. 7. 13. 20., x. 38.) Amongst the oldest written documents, we may also enumerate the *libri antiqui fœderum* (as guarantees of treaties), some of which are mentioned by Livy (iv. 7.). To the earliest antiquity belong also the *Annales Maximi*, *Commentarii Pontificum*, or *Annales Pontificum*, which was a principal source of the historians (see p. 24.) Many of these public documents may have been destroyed by the Gauls at the taking of the city.

A powerful influence, too, was exerted upon the civilisation of the Romans by the publication of the Twelve Tables (*tabulæ decemvirales*), whose origin, notwithstanding all the labour that has been spent in its investigation, is still involved in obscurity. Some stimulus would also be administered by the introduction of theatrical farces (p. 65.), the *fabulæ Atellanæ* (394 u. c.), as well as the *ludi Fescennini* (Hor. Ep. ii. 1. 139.), and the no less farcical *ludi Osci* (Cic. ad Fam. vii. 1.). Civilisation had now so far progressed, that distinguished public services were acknowledged and honoured by public monuments. The first monument recorded is the *columna rostrata*, erected in honour of C. Duilius, for his naval victory over the Carthaginians (494 u. c.). As nearly two thirds of the inscription have been destroyed by the lapse of time, Lipsius and Ciaccioni have endeavoured to restore it.^g

^g We must not overlook the favourable influence which the establishment of *public libraries* exerted upon the progress of national literature. Very important in this respect was the removal to Rome of the library of Apellicon of Teios (which contained most of the writings of Aristotle and Theophrastus), by Sylla, at the plundering of Athens. But still greater importance



Columna Rostrata Duilii.

must be attached to the establishment of a library by the wealthy Lucullus, who had become acquainted with Grecian literature and philosophy in his Grecian and Asiatic expeditions. The first plan for the formation of a public library was formed by Julius Cæsar; but his early death prevented its being carried into execution. The first public library was afterwards established by Asinius Pollio (from the booty probably acquired in the Dalmatian war), and was deposited in the temple of Liberty. Two public libraries were established by Augustus,—the more important on the Palatine Mount, in the temple of the Palatine Apollo (726), and the other in a portico which he attached to the theatre of Marcellus (721), and named *Octavia*, after his sister. Suetonius tells us that the celebrated grammarian, *C. Metissus*, was the first superintendent of this library; whilst the no less celebrated *Hyginus* was librarian at the Palatine. From the notices of Vitruvius (*de Architect.* vi. 7, 8.), we may see that the construction and arrangement of buildings for the reception of public libraries was as much attended to as that of any other public buildings; and that libraries were considered a necessary appendage in the palaces of the great men at Rome. (*Bæhr's Geschichte der Römischen Literatur*, p. 30, 31.)

CHAPTER L.

ARCHÆOLOGY.

FINE ARTS. — MODELLING OF FIGURES. — CARVING. — *ARS STATUARIA*. — SCULPTURA. — *CÆLATURA*. — SCALPTURA, OR THE ART OF CUTTING STONES. — COINS.

THE term fine arts (with which Archæology is here considered as synonymous) is generally restricted to painting, sculpture, engraving, and architecture, which appeal to the eye as a medium of pleasure. If it were possible to explain fully all the monuments of antiquity that are at present known, the subject would not be exhausted. Every year brings important additions to the large stock of antiques; "scarcely," says Montfaucon, "has one work been finished before materials are presented for another." The object of the present chapter, however, is not to describe these precious relics of antiquity (for that would occupy a volume), but to give such an explanation of the technical terms as may enable the reader to understand the descriptions of others.

The cultivation of art was not indigenous among the Romans, but was a necessary consequence of their subjugation of Greece, and other countries civilised by the Greeks. Hence Cato could say, in reference to the treasures of art imported from the captured Syracuse by Marcellus, "I hear too many praising and admiring the works of the Greek masters (*Corinthis et Athenarum ornamenta*), and laughing at the rude workmanship of the Roman deities, *antefixa fictilia*"

(Liv. xxxiv. 4. i. e. on the *fastigium* of the temples. See p. 22. *Fictilis et nullo violatus Jupiter auro*; Juv. xi. 116.) The reduction of Tarentum, the victory of Flaminius over the younger Philip at Cynoscephalæ, of Scipio Africanus over Antiochus the Great at Magnesia, of Lucius Æmilius over Perseus at Pydna; the plundering of Athens by Sylla^a, and in fact of every country and state wherever the Hellenes had bodied forth the imperishable monuments of their genius (*Winckelmann's Werke*, vi. 190. *sqq.*), all contributed to render Rome the great storehouse of Grecian works of art. Roman genius, being essentially military, was evidently incapable of originality or invention in this department. Virgil duly acknowledges this in the passage,

*Excudent alii spirantia mollius æra,
Credo equidem, vivos ducent de marmore vultus.*
(Æn. vi. 847.)

Mollius, with greater delicacy; *vivos*, to the life.

^a We have already stated (p. 218.), that Sylla, in his Asiatic expedition, ruined all military discipline. The minds of the soldiers became enervated "in a delightful country, the abode of pleasure" (*loca amœna, voluptaria*). "*Ibi primum insuevit exercitus populi Romani amare, potare; signa, tabulas pictas, vasa cœlata mirari; ea privatim ac publicè rapere; delubra spoliare; sacra profanæque omnia polluere.*" "There the Roman army first learned to indulge in the excesses of licentiousness and intoxication; to admire figures (or material representations, *signa*), pictures, and vessels ornamented with sculpture. There they first became accustomed to appropriate them (by plunder, *rapere*), whether the property of individuals or communities; to pillage the shrines of the gods; and to violate everything, whether sacred or profane." (*Anthon's Catiline of Sallust*, p. 15. ed. Edwards.) "Who that has got the spirit of a man can endure (says the arch-conspirator) that they (the oligarchy) should have an excess of wealth to lavish in building up a sea (see p. 14.), and in levelling mountains, whilst we are almost in want of the necessities of life? that they should be able to erect mansions in connection and communication with each other (*domos continuare*), whilst we have not a house we can call our own? that they should be able to purchase costly figures, pictures, embossed plate (*torcumata*); to pull down edifices but recently erected; to squander money in the wildest ex-

travagance, and yet not be able to overtake their immense wealth by the most capricious expenditure (*summâ lubidine divitias vincere*); whilst, on the other hand, want stares us in the face at home, and debt abroad." (p. 29, 30. ed. Edwards.) But justice can hardly be done to the *immortalis velocitas* (Quint.) of Sallust; and such passages show us what an irreparable loss we have sustained from his *Historia rerum in Republicâ Romanâ gestarum* being no longer in existence.

As the first branch of the plastic art (πλαστική, when taken in its most extensive signification), we shall mention the modelling of figures in clay, wax, gypsum, or plaster of Paris (*proplasmata*). These figures might either be dried in the air, or hardened in the fire. Of the first class we have no specimens remaining; but of the latter we have a considerable number. They are of a varied character, comprising not only images of the gods but also reliefs (*anaglypha figulina*, τορεύματα δστράκια), and vases adorned with figures in relief. For the formation of figures in the gross modelling blocks were made use of; but the finer lineaments were finished with the fingers, particularly the nails (ἐξονχίζειν): hence we may explain the passage of Horace, *ad unguem homo factus* (Sat. i. 5. 32.). Amongst the Romans, the images of their ancestors (*imagines majorum*) were modelled in wax (κηρός, *cera*).^b

^b Writers on antiquities are very much divided in opinion with respect to these images. Some consider them as busts which were painted in imitation of nature, and on family solemnities were frequently clothed with actual garments. The expression *προτομή*, in the signification of bust (*vultus, imago, σθηθόριον*, as it is termed in the middle ages), was first employed at a later period. Others consider these images as mere masks (*πρόσωπα, personæ*).

Carving may be considered as the second branch of the plastic art, and was in use from a very early period. It extended not only to figures in relief (γλύφειν, *sculptere*), but also to complete figures (ξίειν, ξόανα), which were termed περιφανῆ, because they were visible on

every side. Wood of various sorts was used for this purpose; in Egypt the wood of the sycamore-tree; amongst the Greeks ebony, box, cypress, cedar, &c.;

— *Veterum effigies ex ordine avorum*
Antiqua e cedro. (Æn. vii. 177.)

The instruments made use of in this art, were the hatchet (πίλεκυς) to hew the figures out of the mass (τεκταίνειν, πελεκεῖν), then the carving instrument (*scalprum*, ξυγήλη, ξοῖς), the chisel, and the graver (*cælum*, γλίφανον, τόρος).

The casting of figures or images (*ars statuaria*) is one of the most important branches of the plastic art. In the earliest period the works in metal were hammered out in their individual parts, and then connected by nails and pins (σφυρήλατα). There were three modes of mixing brass (*temperatura*),—the Corinthian, and those of Delos and Ægina. Yet even in each of these modes there were many gradations in the colour of the metal, which might be varied according to the object of the artist, so that in a single work many shades of colour were perceptible. The Corinthian brass (which is fabulously reported to have been formed from the fusion of different metals at the burning of the city by the consul Mummius) was the most celebrated. The brass which could not bear hammering on account of its brittleness was termed *æs caldarium*; the *æs coronarium* was of the colour of gold, and was so called because players made use of it for their crowns.

Statuary (*sculptura*), which extended to complete figures (περιφανῇ), as well as figures in relief (ἀνέγλυφα), was executed only in stone. The principal kinds of stone employed in this art, were the grey peperino, the Travertine stone (*saxum Tiburtinum*), alabaster of Volaterræ and from Egypt (*alabastrites*), and the *electron* or amber, which was known as early as the

time of Homer. In Greece the white marble (*marmor*, *μάρμαρον*, from *μαρμαίρω*, *splendo*), was most in request; and its clear and beautiful surface was heightened in effect by encaustic painting (*circumlitio*).^c

^c Amongst the different kinds of marble we may mention the Pentelican, the Thasian, the Lesbian, the Lunensic (from Luna in Italy), and the Parian marble, termed also *λύχνινος*, *Lychnites* (because hewn in the subterranean galleries by the light of lamps, *λύχνοι*). "Admitting as fine a surface, and presenting as beautiful a colour, as ivory, this species of marble was admirably calculated to encourage the successive efforts of artists studious to excel their predecessors in the effects produced." (*Leake's Topography of Athens*, p. 211, 212.) The coloured species of marble were first employed for entire statues in the time of the emperors, in order to imitate the colour of nature. Amongst the hardest kinds of stone we may reckon the *obsidian*, discovered by Obsidius, in Ethiopia, in the time of Augustus; the reddish, grey, and blackish granite (*Pyropæcion*, *Syenites*), from Syene in Egypt; the red porphyry (*πορφύρεος*); the *basaltes* or *basanites* of a black or greenish colour.

Most statues of marble were formed of a single piece (*μονολίθος*). The head, at a very early period, appears to have been executed separately, and attached after the completion of the whole. The ancient masters were so well acquainted with the art of joining different pieces imperceptibly, that many works of art have been supposed to be *monoliths*, which a more accurate examination has shown not to be the case. The Etruscans and Romans, as well as the Greeks, were in the habit of painting the faces of the images of the gods (made of clay or wood), and clothing them, in order to bring the appearance of the figures nearer to the reality of life. (See *Creuzer's Symbolik*, i. p. 152.; *Winckelmann's, W. Bd.* iii. 22.) With the same view, the pupils of the eye, in brazen and marble statues, were formed of the onyx and precious stones, whilst the ornaments of the neck, the bracelets, as well as the garments, were made of gold. In statues of brass the lips and nails were plated with silver.

Next to the colossal statues, in point of size, were the statues of the gods and heroes, from 6 to 8 feet in height ; after these the statues of the ordinary human height (*statuæ iconicæ*, ἀγάλματα εἰκονικά, ἰσομέτρητα). The *sigilla*, for the most part of brass, wood, or ivory, were very small. With reference to the drapery, those that were clothed after the Greek fashion were termed *palliatæ*, after the Roman, *togatæ* ; whilst those in a military costume were called *pahudatæ*, *chlamydatæ*, *loricatæ*, and those that were veiled, *velatæ*. Groups, consisting of many figures, were termed by the ancients *symplegmata* when they were entwined within each other, as in the case of wrestlers. Busts (*imagines*, *πρῶτομαί*) were sometimes termed *thorāces*.

Sculpture (*cælatura*, τορευτική) is the art of ornamenting arms, shields, vessels, cups, *candelabra*, &c. with figures or ornamental work in relief. At the earliest period this art consisted merely in boring the arms, shields, &c. (τίρω, τόρω, τείρω, τερύω, τορέω, τορεύω), and inserting ornaments of ivory, gold, or silver, which thus projected above the surface of the arms, shields, &c. in which they were inserted. With this idea *τορὸς* (clear, conspicuous), and *τόρευμα* (furnished with figures of that character in relief,) are essentially connected. But as the art progressed, and the figures were raised by casting, beating out, and polishing, the original meaning of *τορεύειν* became associated with *χαυνεύειν*, *ἐλαύνειν*, *ἐκκρούειν*, *χαλκεύειν*, *excudere*, and the art itself was termed by the Romans *cælatura*. Yet *cælatura* was by no means so comprehensive as *τορευτική* (*sculptura*), for it extended only to works in gold, silver, brass, or iron; but *sculptura*, in addition to these, embraced works in wood, ivory, marble, glass, &c. (*Quintil. Inst.* ii. 21.)

When the art had made some progress among the Greeks, and toreutic ornaments, with the art of colour

ing, were transferred from arms, vessels, &c. to statues of wood, at first particular parts only of these statues were overlaid with ivory or gilt; or these parts were formed of marble, and attached to the statue. Wood, however, soon formed only the groundwork or body of the statues, being wholly overlaid with gold or ivory; and all works of this kind were called works of the *toreutic* art. (*Schneider's Wörterbuch* s. v. τορεύω. *Voss on Virg. Ecl. Idyll.* iii. 35. p. 119.)^d

^d As the sculptured figures were small when compared with the objects on which they were introduced, hence *τορεύειν* may properly be connected with *λεπτοουργεῖν* (*λεπτός*, *exiguus*, and *ἔργον*, *opus*), and *ἐλικά* (*tortiles*, Cf. *Virg. Ecl.* iii. 38.), be distinguished from *τορεῖαι*. Cups made of gold, silver, &c. were formed double, so that the outer surface, which contained the sculptured work (*toreumata*, *emblemata*), could be separated from the inner. The figures in relief, on shields, were termed *imagines clypeatæ*. The



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candelabra (λυχνεῖα, λυχνούχοι) were formed, like the lamps (p. 296.), of silver bronze, or terracotta, and like them adorned with figures in relief.

The most remarkable, and perhaps the most inimitable, excellence of ancient art, is the perfection that was displayed in cutting stones (*sculptura*, γλυφή). Rings, which were originally composed of coarse materials, were used as seals, tokens, &c.; and the part which contained the figure or device (*sigillum*, σφραγίς) was formed of wax or *sigillaris creta lemnica*. This composition, however, was gradually superseded by the use of stones. When the figures were sunk beneath (ἐκκοχῆ) the surface of the stones, they were termed *gemmae diaglyphicae, insculptæ* (amongst the Italians *intagli*, the French gravures *en creux*); when the figures were projected above the surface (ἐξοχῆ), they were termed *gemmae ectypæ, eminentes, anaglyphicae, exsculptæ* (*camei* amongst the Italians, which Fiorillo considers as a corruption from *gemma, gamau, cameus*).

The *intagli*, it is plain, could alone be used for sealing-rings; but they, as well as the *camei*, might be worn on the finger (δάκτυλος). (See p. 319.) Hence the ring was termed δακτύλιος: the art of cutting stones, δακτυλιουργία: the cutter δακτυλιουργός (also *sculptor, caviarius*), and collections of gems or stones, *dactyliotheca*. The figures are frequently confined to the heads of gods, heroes, and distinguished individuals. They are either single or placed behind each other (*capita jugata*), or opposite each other (*adversa*), or the heads are in different directions (*aversa*). These heads are mostly in profile. *

* "The amulets and astrological characters on rings have given occasion to the display of much curious learning. Superstition has long been familiar with the importance of rings. Apollonius of Tyana deemed them so essential to quackery, that he had seven, for each day of the week a different one, marked with the planet of the day." (*Encyc. Brit.*, art. ANTIQUITIES.) We may observe, that under the term *gemma*, the ancients did not understand merely stones that were cut, but every sort of precious stones. The most valuable were so much esteemed, that their owners would

not permit any devices or figures to be cut on them: *tantum tribuunt varietati, coloribus, materiæ: violari etiam signis gemmas nefas ducentes.* (Plin. 37. 1. Hirt in Böttiger's *Amalthæa*, ii. 5.) In stones of one colour, the figure was sunk beneath the surface; but stones of many colours (or layers of colours, *zonæ*) were made use of for cameos.

The art of stamping gold and silver coins was practised by the Greeks earlier than the Romans. The first silver coin was introduced into Rome A. U. 485, and the first golden one A. U. 547. Gold was either pure and refined by the fire (*obrussum, obryzum, ἀπὸ πυρός, χρυσὸς ἐπίσημος*), or alloyed with a portion of silver (*electrum*). Silver was coined pure among the Greeks till they fell under the dominion of Rome, and among the Romans till the reign of Alexander Severus. Galienus mixed one part silver with four parts brass (*nummi ærosi v. incotiles*).

The general denominations of money are *pecunia, moneta, nummus, numisma* (ἀργύριον, χρῆμα, νόμισμα). The coins received particular names from the *rulers* under whom they were stamped; as the *Darici* (a gold coin), from Darius; *Philippici*, from Philip the Great; *Ptolemaici*, from Ptolemy: from the *figure* which they bore; as the Athenian *noctuæ* with the figure of an owl (the bird of Minerva, to whom Athens was consecrated); the *Homerici* from Smyrna, bearing an image of Homer; the *denarius* among the Romans with a war-chariot (*bigati* or *quadrigati*); and the *quinarius*, with the image of Victory (*Victoriati*). See p. 282.

We have already (p. 280.) distinguished between coins representing value, and coins or medals struck in commemoration of certain events, and remarked that these latter were divided into two classes—consular and imperial. Amongst the consular coins are the *serrati*, from *serra* (a saw), because their edges had undergone the operation of *milling* (as in our

modern coins, to prevent them being clipped or filed. The *contorniatii*, which were merely tokens (*tesserae*), are surrounded by an indented line. In a medal we observe, 1. The *Face*, or principal side of the piece, presenting us with the head of a prince, or the particular symbol of the city or state where it was struck. 2. The *Revers*, the *typus* or figure on the side opposed to the first. 3. The *Legende*, or circumscription about the head or the *revers*. 4. The *Inscription*, words written in one or more lines on the *face* or the *revers*. We sometimes observe in the *field* of the coin smaller ones (*sigilla*); but their meaning can rarely be discovered.^f



- a*, This is an Athenian coin (the *tetradrachmon*). On the *revers* we observe the owl and the goat, a chaplet of olive and an inscription $\text{ΑΘΕ ΝΕΣΤΩΡ ΜΝΑΣΕΑΣ}$, which indicates the name of the city and two magistrates. The *face* exhibits the head of Pallas.
- b*, One of the most celebrated coins of Augustus. The *face* exhibits his head, with the *legende* $\text{CAESAR COS VI CIVIBUS SERVATIS}$ (COS VI , i. e., consul for the sixth time). On the *revers* an eagle is holding a chaplet of oak leaves, and behind its wings we observe branches of laurel, with the *legende* AUGUSTUS S C , i. e., *Augustus Senatus Consulto*.

^f When it became customary to stamp the image of the emperor on coins, the original mythical *typus* then occupied the *revers*, and the emperor's image the *face*. In the most ancient coins,

the inscription, circumscription, or *legende*, consisted sometimes of the initial letters of the names of cities, sometimes of the names in full, and sometimes of the names of the kings. We frequently find, along with the *typus* and inscription, though distinct, a second but abbreviated inscription (*æergue*); sometimes merely a compound letter (*μωδρπαμμ*, p. 377.), wherein we may frequently detect the name of a magistrate; the city where the coin was stamped; or the person who stamped it.

We have already mentioned the *Triumviri auro, argento, æri flando, feriundo* (IIIVIR. A.A.A. F.F.), who were appointed (A. U. 465) to superintend the coinage, p. 149. Besides these *triumviri*, prætors, ædiles, and quæstors were also mentioned in the inscriptions on coins, frequently with the addition of S.C. or E.X.S.C. Cæsar appointed four men to the office (IIIVIR. A. P. F. *ad pecuniam feriundam*). Augustus deprived the senate of the right of stamping (*ferire*) gold and silver coins; permitting them to stamp only those of brass or copper; and hence from this period the S. C. or *senatus consulto* is only found on the latter. In the latest period of the empire, the superintendents of the coinage were termed *procuratores* or *præpositi monetæ*. The counterfeiting and debasing of coin (*nummi subæratî, pelliculati*) was as familiar to the ancients as to the moderns, who have practised it on ancient coins for the sake of gain. (*Eckhel, Doctr. Num. Vet. i. proleg. p. cxiii. sq.*)

CHAPTER LI.

ARCHÆOLOGY.

PAINTING.—COLOURS.—ENCAUSTIC PAINTING.—MOSAIC WORK OR PAINTING.—ARCHITECTURE.—COMPONENT PARTS OF THE VARIOUS ORDERS.—MONUMENTAL INSCRIPTIONS AND ABBREVIATIONS.

PAINTING originated from bounding with lines the shadows of objects in the sun or by the light of lamps (*umbram corporum lineis circumdare sive circumscribere*, ἵπτον ἐν ἡλίῳ περιγράφειν); hence it was termed *adumbrare*, σκιαγράφειν. Whilst *adumbrare* is confined to the mere outline of the figure, and is thus equivalent to *inchoare* (which is frequently used for it), σκιαγράφειν signifies also the ἀπόχρωσις σκιᾶς, that is, the management of light and shade for the purposes of optical deception. Thus arose the art of drawing (γραφική), which originally consisted in the simple linear marking out of the figures (ὑπογραφή). The simple sketch of a figure is termed *monogramma* (*monogrammi*, τὸ μονόγραμμα), or *lineamenta*. The learner was first taught to draw a line (γράμμη ἰκνύσαι), then to give the outline of a figure (*adumbrare*, σκῆν ὑποτυπώσασθαι), and then to finish the sketch (*lineamenta ducere*, σκῆν περιγράψασθαι). To each of these departments great attention was paid, as we learn from the contest of Apelles and Protogenes, who each sought to excel the other by a *linea* (Plin. 30. 36, 11.), i. e. by a sketch or contour of a figure.

Little is now known about the materials employed

for exercise in this art. The use of tablets (πίνακες) was probably the most ancient; at least the πίναξ πτυκτός of Homer (*Il.* vi. 170.; Cf. *Plin.* 13. 13.) would lead us to that supposition. A pointed instrument or graver (γραφεῖς) was made use of for drawing the sketches (ξίσαι, ἰγχαράξαι); but, when the art had progressed, the pencil (*penicillus*, ὑπογραφεῖς) was introduced, as well as the use of colours (σκιάν ἐναλείφειν). Tablets were now introduced, covered with *creta* or *gypsum*. As it was not unusual to draw out the sketches in chalk upon a black tablet; hence λευκογράφειν signifies *imaginem cretâ delineare*. In the most flourishing period of the art, artists often preferred painting with a single colour; but still they gave the light and shade (*chiar' oscuro*): *Qui singulis coloribus pingerent, alia tamen eminentiora, alia reductioniora fecerunt.* (Quint. ii. 3. 46., not *simplici colore*, 12. 10. 3.) Figures painted in one colour, without light and shade, as we see on the yellow and black vases, were termed μονοχρώματα.

The principal colours, made use of in painting, were originally only four in number: white (*Melinum*, from the isle of Melos); yellow (Ὠχρεα, from the Attic silver mines); red, (Σινωπὶς, Μίλτος, from burnt ochre-earth); and black (*atramentum*, Μέλαν). As pictures, in which only these colours were used, were of a somewhat severe and sober cast, hence these colours were termed *colores austeri* as soon as brighter colours (*colores floridi*) were adopted. In the earliest periods it was customary to paint on tablets made of the larch-tree; hence a picture is called πίναξ, *tabula*. Afterwards, when painting on walls had been introduced, stucco formed the surface which received the decorations, either whilst wet (*in udo*, *al fresco*), or when it had become dry (*in cretulâ*, *alla tempera*).^a

^a Painting on the walls was practised among the Romans merely for the sake of luxury; and therefore paintings of this sort are only to be met with in Italy in the excavated cities of Pompeii and Herculaneum, in grottoes, and in the baths of Titus. With respect to the colouring of the ancients — if we may judge by analogy from historical notices (for we can no longer appeal to perfect specimens) — they were as far superior to the moderns in this art, as they are admitted to have been in sculpture.

With respect to the *encaustic painting* of the ancients we have but few and insufficient notices extant. It might be termed *encaustic proper* when the outline of the delineation was burnt in (*inustum*, *ἱναυσι*) on ivory tablets by the heated point of a *stylus* or graver (*castrum*, *veruculum*). Another species of *encaustic* consisted in painting in wax (or a wax varnish) on tablets or walls with a graver, and then burning in this wax-varnish by means of fire (*ceris pingere et picturam inurere*. Plin. xxxv. 11. 41.). With respect to painting on walls, Vitruvius directs “Barbary wax (*cera Punica*), melted with a little oil (*oleo temperata*), to be rubbed on the wall with a hair pencil. Then let the painter put live coals into a chafing dish, and hold it close to the wax; when the wall, by being heated, begins to sweat, now let it be made smooth (*peræquetur*). Afterwards let him rub it with a candle and clean linen rags, in the same manner as they do with the naked marble statues. The coat of Carthaginian wax (*cera Punica lorica*), thus put on is so strong that it neither suffers the moon by night, nor the sun-beams by day, to destroy the colour” (*eripere ex his politionibus colorem*) de Architecturâ, c. 9. ^b

^b In ship painting, the planks of the vessel were heated by a fire of reeds; then, while in this state, they were covered with a composition of resin, tallow, tar, and brimstone. This made such a kind of paint as Pliny describes, which, he says, *nec sole, nec sale ventisque corrumpitur*. (Encyc. Brit. art. ENCAUSTIC PAINTING.)

Of mosaic painting we have some very lovely vestiges, and some of them are as fresh and as fair as when they were first laid ; with patient industry they may be imitated, either with stones, with morsels of glass, or with small tiles coloured and glazed. This art was in a great measure confined to the ornamenting of floors. The mosaic work, or rather painting, might consist either of larger stones of different colours cut geometrically (*pavimenta sectilia*), or of small cubes cut uniformly (*tesserae*), whose different colours united to form a delineation (*pavimenta tessellata, lithostrata, λιθόστρωτα, δάπινδα ἐν ἀεακίσκοι*). Mosaic proper (*opus musivum, musium, opus vermiculatum, μουσιῶν*) consisted altogether of small oblong pieces (*tesserulae*) of glass stones, &c. joined by a strong cement.

But this particular species of painting exhibited itself in the greatest perfection in figures formed of threads of glass of different colours, since the figures were the same in every section of the work, whilst the threads themselves were united by fusion. Workers in mosaic were termed *tessellatores, musivarii, musciarii, ψηφοδέται*. In later times mosaic on walls was termed *ὀρθομαρμάρεσις*, on floors, *πάτωσις*, and on arched ceilings, *μουσιώσις*. " This kind of work was of bewitching beauty : the eyes of Homer had been so captivated with it, that he continued after his blindness to describe heaven by its pavement ; at least if the critics will permit us to give this sense to the word *δάπινδον*."

Architecture is the art of contriving and constructing buildings ; and when spoken of simply without a qualifying adjective, the designing and building civil and religious edifices, such as palaces, mansions, theatres, churches, courts, bridges, &c. is intended. Although every description of building may thus have the term applied to it, it is by common consent re-

stricted to such edifices as display symmetrical arrangement in the general design and fitting proportions in its parts. The term is derived from the Greek substantive ἀρχιτέκτων, latinized *architector*, *architecto*, and *architectus*; all of which are used by Latin authors. (*Encyc. Brit.* art. ARCHITECTURE.)

Stones might be either unfashioned (λίθοι λογάδες), or otherwise. According to the application of regularly hewn stones, we have different sorts of building: *Isidomum*, when the wall consisted of stones of a uniform size; *Pseudisidomum*, where all the courses were not of an equal height; and *Emplekton*, where the outside only consisted of stones hewn uniformly, whilst the inside consisted of unfashioned stones, yet so that both courses were united with each other by means of connecting stones at certain distances. The stones, if unfashioned, might be applied according as they fitted best; or square-hewn stones might be joined to each other in diagonal lines. The former mode was termed *incertum* or *antiquum*, and the latter *reticulatum*.^c

^c As long as simplicity prevailed at Rome, the *lapis Albanus* (now peperino), the *lapis Tiburtinus* (now travertino), and other sorts of stone, were made use of in building; but afterwards marble of every possible variety (see p. 293.) was introduced. We must not imagine, however, that Rome was built of marble (see note in *Major's Adam*, p. 497.); though many of the public buildings might be faced with it.

The superimposed horizontal mass in a columnar ordinance, which rests upon the tablet or *abacus* of a column, is called its *entablature* (*in*, upon, and *tabula*). It is conventionally composed of three parts, architrave, frieze, and cornice. The architrave is that part of the entablature which rests immediately on the column, (hence termed *epistylum*). The frieze (ζώνη, διάζωμα, Ital. *fregio*, from the Latin *phrygionius*, enriched or

embroidered) is situated between the architrave and the cornice, and derives its name from being the recipient of the sculptured enrichments, either of foliage or figures, which may be relevant to the object of the structure. It is also termed *zööphorus* (ζῷον, an animal, and φέρω, to bear), because the sculptures are frequently composed of various animals. The vertically channelled tablets of the Doric frieze are triglyphs (*triglyphi*, τρεῖς, three, and γλῶφῃ, a channel or incision); because of the three angular channels in them, two perfect and one divided (half channels or *hemiglyphs*). The square recesses between the triglyphs are termed *metopes* (μετόπη, middle space), and are sometimes occupied by sculptures. The listel or band which separates the frieze from the architrave is termed *tenia*. The short fillet or rectangular block under it is called *regula*; and this was enriched with small cylindrical drops (*guttæ*).

The *cornice* (κορωνίς) is the highest part of an entablature. Amongst the necessary parts of the cornice we may reckon the *corona* (γαῖσος), or deep vertical face of the projected part of the cornice between the bed-mould and the covered mouldings; the *mutuli* (modillions), or rectangular impending blocks under the *corona*, from which *guttæ* or drops depend. The *echinus* (ἑχῖνος, an egg), is a moulding of eccentric curve (*ovalo*); and the *cyma* (κύμα, a wave, the name of a moulding frequently in use) is a simple, waved line, concave at the one end and convex at the other, like an Italic *S*. According as this may be, it is either a *cyma-recta*, or a *cyma-reversa*.

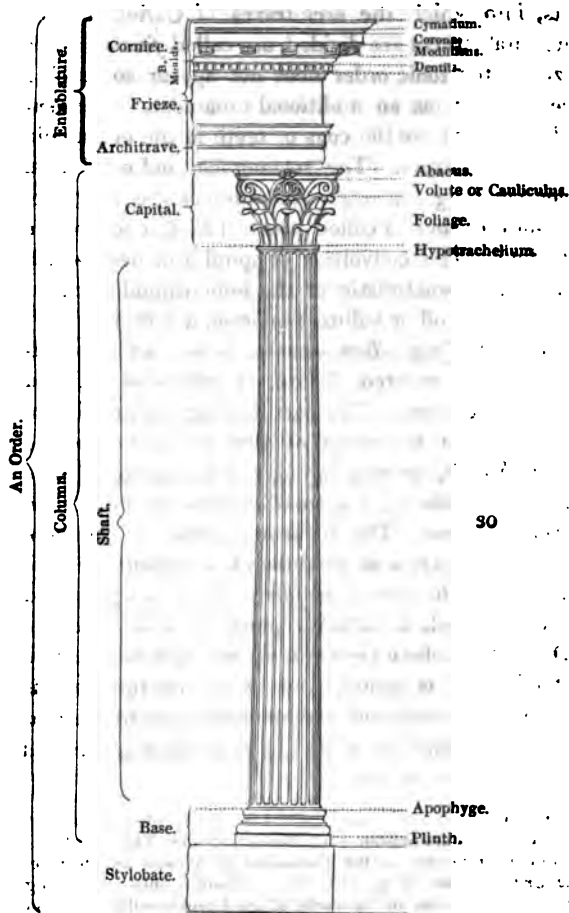
The Ionic *entablature* had quite a different character, and was particularly distinguished from the Doric, in having no triglyphs (τριγλύφοι) or modillions (*mutuli*). The narrow vertical bands or broad

fillets, into which the architraves of Corinthian and Ionic entablatures are divided, are called *fasciæ*. The frieze in the Ionic order does not appear so much a necessary part as an additional ornament. The *denticuli* (dentils) are the cogs or teeth in the bed-mould of the entablature. The rectangular and equilateral tablet covering the ovalo (*acanthus*) of the capital of the Doric column is called *abacus* (*ἄβαξ*, a square tile or tablet). The convolved or spiral ornament which forms the characteristic of the Ionic capital is called *cauliculus*, scroll or volute (*volutum*, a *volvo*).

The capital (*capitulum*, κεφαλὴ, ἐπίκρανον) is the spreading, moulded, voluted, foliate, or otherwise enriched head of a column. The part forming the junction of the shaft with the capital of a column is termed the *hypotrachelium*, or necking (ὑπὸ and τεράχηλος). The shaft of the column, i. e. from the base to the capital, is called *scapus*. The highest member of the base (*βάσις*, a congeries of mouldings), is called the *apophyge*; and the lowest member, which is square and vertically faced, is called a plinth (πλῆθος, a square tile). The stylobate (στύλος, a column, and βάσις, a base or fulcriment) is synonymous with pedestal, but is applied to a continued and unbroken substructure or basement to columns, while the latter term is confined to insulated supports.⁴

⁴ The human female figures, used as piers, columns, or supports, are called *Caryatides*. (See Muller, Dorier. Thl. i. p. 374.; Blomfield's remarks on the *Caryatides* of ancient architecture. *Mus. Crit. Cantabr.* vii. p. 400, 401.) There is only one existing example of this order in the works of the Greeks — the portico of the *Pandroseum* on the Acropolis. Male figures, termed ἑταῖρες, served as pillars in the temple of Jupiter at Agragas; the Romans called them *Telamones*. (Vitruv. vi. 10.)

The inscriptions which occur on ancient coins and monuments of every description are intimately con-

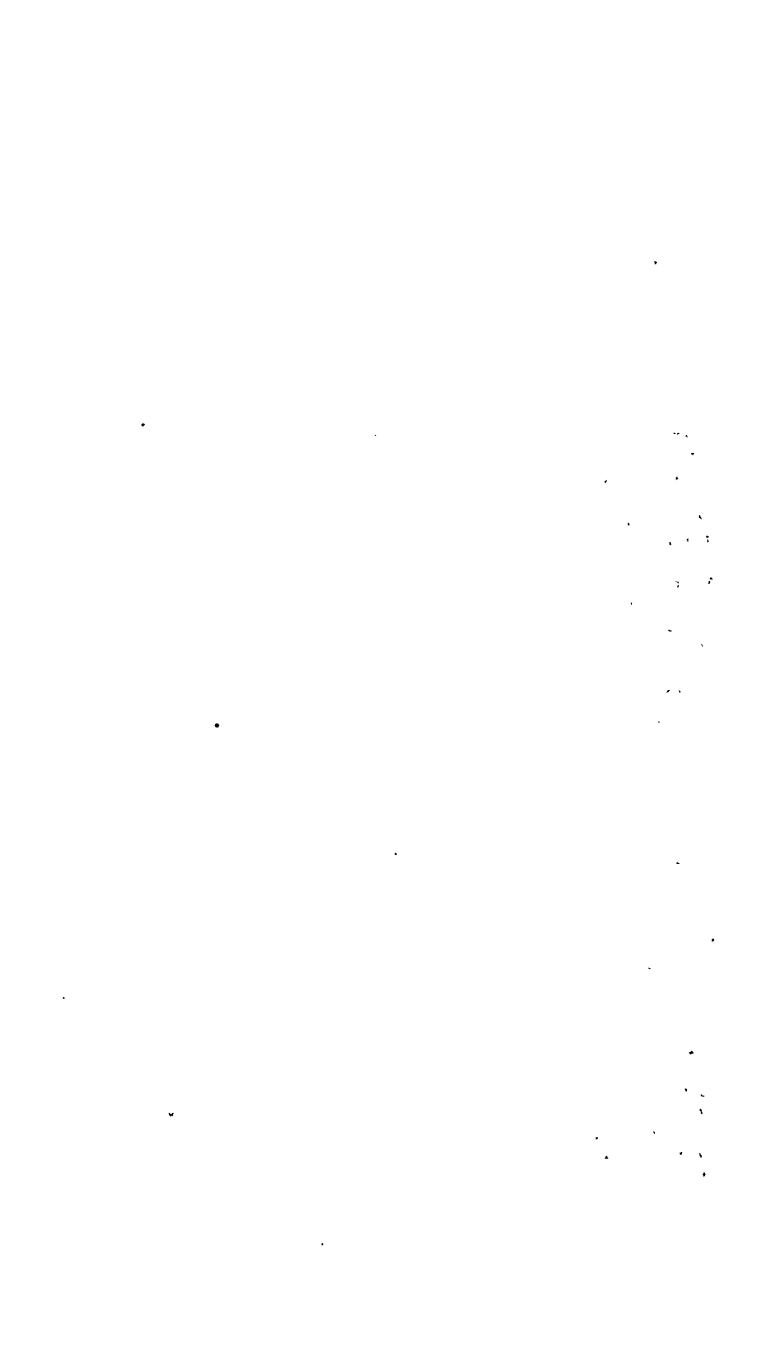


nected with the subject of Archæology. Gruter's *Inscriptiones antiquæ totius orbis Romani* (edited by Grævius, Amst. 1707, 2 tom. fol.) is the most extensive collection hitherto published; and Orelli's *Inscripti-*

onum Latinarum selectarum amplissima collectio (Zürich, 2 vol. 8vo. 1828) is a work that may be recommended for sound criticism and judicious selection (*Bähr.* 336, 337). As Latin inscriptions are of frequent occurrence, it may not be superfluous to explain some of the most ordinary abbreviations. *

- * A., *ædilis, annus, Aulus* — A. L. F., *animo lubens fecit* — A. P., *ædilitia potestate* — A. S. S., *a sacris scriniis* — AN. V. P. M., *annos viri plus minus* — AVSP. S., *auspicante sacrum*.
 B. DD., *bonis deabus* — B. B., *bene bene, i. e. optime* — B. D. S. M., *bene de se merenti* — B. G. POS., *biga gratis posita*.
 C., *Caius, civis, cohors, conjux* — C. C. S., *curaverunt communi sumtu* — C. F., *Caji filius, carissima femina* — C. R., *curavit refici, civis Romanus* — C. V. P. V. D. D., *communi voluntate publice votum dederunt* — CVNC., *conjux*.
 D., *decuria, domo* — D. D., *dono dedit, dedicavit* — D. L., *dedit libens* — D. M. V., *dñs manibus votum* — D. S. P. F. C., *de sua pecunia faciendum curavit* — DP., *depositus*.
 E., *erexit, ergo, expressum* — E. C., *erigendum curavit* — E. F., *egregia femina* — E. M. V., *egregiæ memoriæ vir* — E. S., *e suo* — EX. PR., *ex præcepto* — EX. TT. SS. HH., *ex testamentis suprascriptorum heredum*.
 F., *fecit, filia, filius, flamen* — F. C., *faciendum curavit* — F. F., *fieri fecit, filius familias* — F. F., *fecerunt, filiū, fratres* — F. H. F., *heri heredes fecerunt* — F. I., *fieri jussit* — FR. D., *frumenti dandi* — F. V. S., *fecit voto suscepto*.
 H., *habet, heres, honorem* — H. A. F. C., *Hanc aram faciendam curavit* — H. Q., *hic quiescit* — H. I. I., *heredes jussu illorum* — H. S. E., *hic situs est*.
 I., *Imperator* — I. L. F., *illius liberta fecit* — I. L. H., *jus liberorum habens* — I. O. M. D., *Jovi optimo maximo dedicatum*.
 K., *Cajus, calendæ, candidatus, casa*.
 L., *legio, lustrum* — L. A., *lex alia, libens animo* — L. C., *locus concessus* — L. H. L. D., *locus hic liber datus* — L. P., *locus publicus* — L. S. M. C., *locum sibi monumento cepit* — LEG., *legatus*.
 M., *magister, mater, monumentum* — M. A. G. S., *memor animo grato solvit* — MM., *memoriæ* — MIL. IN. COH., *militavit in cohorte*.
 N., *natione, natus, nepos, numerus* — N. P. C., *nomine proprio curavit*.
 O. D. S. M., *optime de se merito* — O. H. S. S., *ossa hic sita sunt* — OB. AN., *obiit anno*.
 P., *pater, patria, pontifex, posuit, puer* — P. C., *patres conscripti, patronus coloniæ s. corporis, ponendum curavit* — P. E., *publice crexerunt* — P. I. S., *publica impensa sepultus* — P. P., *publice posuit, pater patriæ, præfectus prætorio* — P. S. P. Q. P., *pro se*

- proque patria* — PR. SEN., *pro sententia* — P. V., *præfectus urbi*.
- Q., *quæstor, qui, Quintus* — Q. A., *quæstor ædilis* — Q. D. S. S., *qui dederunt supra scripta* — Q. F., *quod factum*.
- R., *recte, retro* — R. G. C., *rei gerundæ causa*.
- S., *sepulcrum, solvit, stipendium* — S. C., *senatus consultum* — S. C. D. S., *sibi curavit de suo* — S. E. T. L., *sit ei terra levis* — S. L. M., *solvit libens merito* — S. P. Q. S., *sibi posterisque suis* — SVB. A. D., *sub ascia dedicavit* — S. P. Q. R., *Senatus populusque Romanus*.
- T., *Titus, tribunus, tunc* — T. C., *testamenti causa* — T. F., *testamento fecit, Titi filius, titulum fecit* — T. P., *titulum posuit* — TR. PL. DESS., *tribuni plebis designati*.
- V., *veteranus, vixit* — V. A. F., *vivus aram fecit* — V. C., *vir consularis, vivus curavit* — V. D. D., *votum dedicatum* — V. F. F., *vivus fieri fecit* — V. M. S., *voto merito suscepto* — V. E., *vir egregius*.
- X. ER., *decimæ erogator* — XV. VIR. SAC. FAC., *quindecimvir sacris faciundis*.



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CHRONOLOGICAL TABLE

FROM THE BUILDING OF THE CITY TO THE DEATH OF AUGUSTUS.

A. U.	B. C.	
1	753-4	Rome founded. The <i>Palilia</i> , 21. April, was the anniversary festival, <i>dies natalis urbis Romæ</i> . See p. 362. n.
37	717	<i>Romulus</i> disappears, and is deified under the title of <i>Quirinus</i> .— <i>Interregnum</i> .
39	715	<i>Numa Pompilius</i> succeeds him; builds the temple of Janus; institutes a priesthood and religious ceremonies; regulates the Calendar.
81	673	<i>Tullus Hostilius</i> extends the dominion of Rome. War with Alba. Battle of the three Horatii and Curatii. The Sabines defeated.
114	640	<i>Ancus Martius</i> extends the territory of Rome; constructs the harbour of Ostia; builds the first bridge over the Tiber, <i>Pons Sublicius</i> .
137	617	<i>Lucius Tarquinius Priscus</i> defeats the Sabines and Latins; adopts the Etruscan badges of royalty; constructs the <i>Cloaca Maxima</i> ; introduces the <i>Ludi Maximi</i> ; increases the Patrician Senators, <i>Patres minorum gentium</i> .
176	578	<i>Servius Tullius</i> carries on a successful war against Veii; unites the Latins and Sabines to Rome by a league, <i>Feria Latina</i> .
220	534	<i>Lucius Tarquinius Superbus</i> usurps the throne; extends the dominion and influence of Rome; completes the <i>Cloaca Maxima</i> , the Capitoline Temple; deposits the Sibylline books in it; is expelled on account of his son, Sextus Tarquinius, violating Lucretia. The anniversary of his expulsion kept as a feast, <i>Regifugium</i> .
244	510	<i>Lucius Junius Brutus</i> and <i>L. Tarquinius Collatinus</i> elected Consuls, 24th Feb. Commercial treaty concluded with Carthage, 509 B.C. Obstinate struggle with Porsenna of Clusium, in which Horatius Cocles, Cloelia, and Mutius Scævola distinguish themselves. Peace concluded, 508 B.C. Titus Lartius first Dictator, 499. B.C.

A. U.	B. C.	
260	494	Secession of the Plebeians to Mount Aventine, <i>Mons Sacer</i> . Tribunes of the People and <i>Ediles Plebei</i> created. Criminal trials before the <i>Comitia Tributa</i> — <i>Coriolanus</i> . First Agrarian Law by Sp. C. Viscellinus. War with Veii. <i>Lex Publilia</i> , about the <i>Comitia Tributa</i> . <i>Decemvirs</i> created, 453 B.C.
302-3	452-51	The Twelve Tables, xii. Tab., published. The prohibition of <i>connubium</i> between the Patricians and Plebeians in the xii. Tab., removed by the <i>Lex Canuleia</i> , 446 B.C. Cruelty of Appius Claudius to Virginia. Six Military Tribunes elected, 439 B.C. Military pay introduced.
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348	406	Expedition against Veii. <i>Aggeres</i> — <i>Vineæ</i> —Winter quarters introduced under Camillus. Veii taken, 396 B.C. The Romans defeated at Allia by the Gauls, and the city burnt, 390 B.C. The Licinian laws in favour of the plebeians. First plebeian Consul, 366 B.C. First war with the Samnites, 343 B.C.
358	396	
388	366	
416	338	Sea-fight at Antium. The Tribune decorated with the Rostra. The <i>plebiscita</i> become binding upon all the Romans, 337 B.C. The Plebeians admitted to the Censorship and Prætorship, 335 B.C. The Romans defeated by the Samnites at the defile of Caudium, <i>Furcæ Caudinæ</i> , 321 B.C. The <i>Via Appia</i> constructed. — <i>Lex Ogulnia</i> passed, 300 B.C. Ravaging of Samnium, 290 B.C. <i>Plotia Lex</i> , respecting debtors, 286.
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473	281	Tarentine War. Pyrrhus defeats the Romans at Heraclea and Asculum; is defeated himself, 275 B.C. The first silver coins stamped, 269 B.C. The whole of Central and Lower Italy now under Roman dominion, 266 B.C.
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490	264	First Punic War. Naval victory of Duilius, near the Lipari Islands, 260 B.C. <i>Columna Rostrata</i> erected. Second naval victory, under Regulus, 256 B.C. Regulus carries the war into Africa; is defeated by Xantippus, 255 B.C.
498	256	
513	241	Third naval victory over Hanno, 241 B.C. Peace concluded by the Carthaginians on humiliating terms. Temple of Janus shut. Sardinia, Corsica reduced. The Illyrian pirates humbled, 228 B.C. Upper Italy becomes a province, <i>Gallia Togata</i> v. <i>Cisalpinga</i> , 222 B.C. Saguntum captured by the Carthaginians.
526	228	
536	218	This is the signal for the second Punic War.

A. U.	B. C.	
536	218	Hannibal crosses the Pyrenees with 59,000 men; crosses the Alps, and reaches the country of the Taurini, in <i>Gallia Cisalpina</i> , with 26,000 men. First defeat of the Romans at Ticinus; second defeat at Trebia; third at Thrasimene, 217 B.C. Fourth and greatest at Cannæ, 216 B.C. The war is carried on in Spain. In Italy, Hannibal loses (211 B.C.) Capua, then Tarentum. His brother Hasdrubal is defeated, 207 B.C. Scipio crosses into Africa. Hannibal is recalled, having occupied Italy sixteen years. The battle of Zama concludes the war in favour of the Romans.
554	200	The Macedonian war commences. Flaminius takes the command, 199 B.C. Philip defeated at Cynoscephalæ, 197 B.C. Rome declares war against Antiochus, 191 B.C. C. Corn. Scipio, Consul, and brother of Scipio who conquered Hannibal, defeats Antiochus near Magnesia, 190 B.C. The <i>Bacchanalia</i> are suppressed for their immorality, 186 B.C. Paulus Æmilius defeats Perseus of Macedonia, near Pydna, 167 B.C. On account of the great influx into the Treasury, the Citizens of Rome pay no taxes.
607	147	The Achæans are defeated by Metellus. Corinth is destroyed by Mummius, 146 B.C. Carthage destroyed in the same year. An insurrection of slaves in Sicily. The <i>Sempronia Lex</i> , by Sempronius Gracchus (an Agrarian Law), excites great commotion, 133 B.C. War declared against Jugurtha, 111 B.C. He is defeated by Metellus B.C. 108, and by Marius, 107. Marius defeats the Teutones, 102 B.C., and the Cimbri, 101 B.C.
663	91	The Social War breaks out, with respect to rights of citizenship, and terminates in favour of the allies, 88 B.C. Sylla plunders Athens, 87 B.C.; undertakes the Mithridatic war, 86 B.C.; becomes Dictator, 82; passes many laws, <i>Cornelia Leges</i> , to circumscribe the powers of the people, 81; resigns his power, 79. The Consul Lucullus is entrusted with the Mithridatic war, 74. An insurrection of slaves and gladiators under Spartacus, who seeks to effect a junction with Sertorius.
684	70	The power of the Tribunes, abridged by Sylla is restored. Pompey is despatched against the pirates; entrusted with the Mithrida-

A. U.	B. C.	
689	65	tic war, 67 B. C.; defeats Mithridates, 65 B. C. Syria, Cilicia, and Bithynia converted into Roman provinces, 64 B. C. Conspiracy of Catiline, 63 B. C. Pompey returns to Italy.
691	63	Caesar, Pompey, and Crassus form the first
694	60	triumvirate. Cicero goes into exile, (<i>Clodia Lex</i>), 58 B. C.; is recalled, 57 B. C. Caesar undertakes his expedition against Britain. Crassus against the Parthians, 54 B. C. Quarrel between Caesar and Pompey. Caesar passes the Rubicon, 49 B. C.; defeats Pompey at the battle of Pharsalia, 48 B. C.; is victorious in Egypt, 47 B. C.; falls a victim to a conspiracy, in which Brutus and Cassius are the leading men; the Senate proclaims an amnesty, 44 B. C.
700	54	Maro Antony and Lepidus declare against the Conspirators. Antony, Lepidus, and Octavius second form the triumvirate, 43 B. C.; defeat Brutus and Cassius at Philippi, 42 B. C. Quarrel between Antony and Octavius. Antony is defeated in a sea-fight at Actium, 31 B. C. Octavius reduces Egypt to the form of a Roman province, 30 B. C. Octavius is now master of the empire. He triumphs at Rome, 29 B. C.
723	31	Octavius assumes the title of Augustus. He travels into Greece, 21 B. C. Cornelius Balbus triumphs over the Garamantes, 19 B. C. Rætia, Vindelicia, Noricum, subjugated, 15 B. C. Drusus is successful against the Germans, 12, B. C.
725	29	
	A. D.	
763	9	Quintilius Varus is destroyed with three legions, &c. Tiberius and Germanicus carry on the war in Germany, 10—11 A. D. Augustus dies, 14 A. D.
768	14	

PRAXIS

ON

ROMAN ANTIQUITIES.

CHAPTER I. *The City.* (p. 1.) — 1. In what year was Rome built? 2. What hill was first built upon? 3. Explain *oppidum* and *urbs*. 4. What epithets were applied to Rome, and why? 5. Explain *pomærium*. 6. Give the phrase for "enlarging the city," and mention those who did enlarge it at different periods. 7. State the changes which the city underwent 390 B. C. — in the reigns of Augustus and Nero. 8. What occurred 410 A. D. and 547 A. D.? 9. State the number of citizens and of inhabitants, and to what period it refers. 10. Explain *Regiones*, and into how many was Rome divided? 11. Write down the names. 12. Give the number of gates at different periods. 13. What particular circumstances are connected with the *Porta Carmentalis, Collina, Trigemina*? 14. What particulars are stated with respect to the *Forum Romanum*? 15. Explain *in foro versari, fidem de foro tollere, foro cedere*. 16. Give the reason of their application. 17. Explain *in foro esse, fori tabes, in alieno foro litigare*. 18. Which are the *tria fora* (Ov.)? 19. Explain *Forum Boarium, Olitorium*. 20. Give the names of the seven hills. 21. What mount was not included among the seven, and what is stated concerning it? 22. Give the names of the principal bridges. 23. What is mentioned respecting the *pons Æmilius v. Sublicius*? 24. To which of the public roads is *regina viarum* applied? 25. How many *Vici* were there? 26. What were the *campi*? 27. Explain *nota campi, venalis campus* — and why? 28. Why does Cicero say *latis-simus dicendi campus*? 29. What particulars are stated with respect to the Capitol? 30. Give the meaning of Pantheon. 31. What temple was frequented by poets, rhetoricians, &c.? 32. Explain *commissions, committere opera*. 33. Why is the phrase *index pacis et belli* applied to the temple of Janus? 34. What is stated respecting the temple of *Mars Ultor*? 35. How many *Luci* were there? 36. What were the *Curie* and the *Basilicæ*? 37. Distinguish *Thermæ* and *Balneæ*. 38. What were the *Circi*? 39. Which are the *tria Theatra*? 40. What was the use of the amphitheatres? and by whom was the *Colosseum*

built? 41. What were the *Odeæ*? 42. Give the names of the most celebrated *Ludi*. 43. Where were the *Palæstræ* situated? 44. What were the *Naumachiæ* and *Nymphææ*? 45. Explain *Intercolumniæ*. 46. What are the names of the principal porticos? 47. Explain *Chrysippi porticus*, and why Zeno's disciples were called *Stoici*. 48. What is stated about the *Porticus Apollinis*? 49. What were the names of the principal *Arcus triumphales*? 50. What were the *Columnæ*? and whence came the obelisks? 51. How many statues of colossal size? 52. Mention the principal Aqueducts, and what is stated about the new Anio? 53. What were the *Cloacæ*? and which the largest? How does Pliny speak of them? 54. What were the *Mausoleum* and the *Moles Hadriani*? 56. Distinguish *Domus* and *Insulæ*. 57. Whose palaces are most worthy of notice? 58. What *Villæ* and *Horti* are the most celebrated? 59. What were the limits of the Empire in the reign of Augustus? 60. What observations does Gibbon make about its extent? 61. What epithets are applied to Rome? 62. What are the remarks of Montesquieu?

CHAPTER II. *Religion of the Romans.* (p. 17.) — 1. To whom was Numa indebted for his religious institutions? 2. Why were the Gods divided into *Dii majorum et minorum gentium*? 3. Who were the *Consentes* — who the *Selecti*? 4. What epithets are applied to the *Dii minorum gentium*? 5. Explain the *Dii Penates et Lares*. 6. Translate *grave tardas expectare colos* (Juv.), and explain what *colos* refers to. 7. How many Temples in Rome? 8. Distinguish *Templum* and *Ædes Sacræ*. 9. Explain *Delubrum*, *Cella sanctior* and *Sacella*. 10. When were temples *peristyle* or *prostyle*? 11. Distinguish *Aræ* and *Altaria*. 12. What were the *Aræ turicremæ* — the *Anclabris*, and the *Mensa Sacra*? 13. What were the names of the sacrificial instruments and vessels? 14. Explain *Collegia*. 15. What priests were instituted by Romulus, and what by Numa? 16. What priests belong to each of the two classes? 17. To what number were the *Pontifices* increased by the *Lex Ogurnia*? 18. Explain *cooptabant*. 19. What were the objects of the *Lex Domitia* and the *Lex Cornelia*? 20. What were the duties of the *Pontifex Maximus*? 21. Explain *vitio creatus*. 22. Distinguish the *Commentarii* and the *Commentarii sacrorum*. 23. What were the privileges of the *Pontifices*? — their dress? 24. How was the *Pontifex M.* restricted? 25. What Emperor undertook this office? and what Emperor abrogated it? 26. Who were the *Augurs*? 27. Why is *auspicari* used for *ordiri*? 28. Distinguish *Spectio* and *Nuntiatio*. 29. Explain *Obnunciatio* — *Auspicia oblata*, *non impetrata*. 30. What is the meaning of *servare de cælo v. cælum*? 31. Explain *templum*, and in what manner the Augur *determinavit regiones*? 32. How did Generals take auspices? and what were the *perennia auspicia*? 33. How were birds divided? 34. Explain *Avis supervaganea* — *Tripudium solistimum*. 35. Distinguish the *Libri Augurales* and the *Libri reconditi*. 36. What were the badges of the Augurs?

CHAPTER III. *Religion of the Romans.* (p. 30.)—1. What were the *Haruspices*? 2. Explain *procurari* and *postulationes*. 3. Into what three classes were these priests divided? 4. What was the *bidental*? and why so called? 5. What were the *Libri Etrusci*? 6. Distinguish *Hostiæ animales* and *consultatoriæ*. 7. Explain *pars familiaris* and *pars hostilis*. 8. Explain *inter casa et porrecta*. 9. Explain *Extâ trunca v. tristia*. 10. When were the entrails called *Extâ muta*? 11. What was the prohibition of Tiberius? 12. Who were the *Sibyllini Sacerdotes*?—And explain *libros adire*. 13. What particulars are mentioned respecting the Sibylline books? 14. By whom were the *Virgines Sanctæ* (Vestal virgins) introduced? 15. How were they chosen after the expulsion of the Kings? 16. Explain *Patrimi et Matrini*. 17. What were the duties of the Vestals? 18. Explain *incestus, probrum*, and what was the punishment? 19. What were the privileges of the Vestals? 20. What epithets were applied to the oldest? 21. Who were the *Fatres Arvales*? 22. Explain *Hostia ambarvalis*. 23. How many *Curiones*? 24. What was the office of the *Septemviri Epulonum*? 25. Explain *Cenæ pontificum*. 26. In what manner did the *Feciales* declare war? 27. Explain *prænuntia belli* (Ov.) 28. Explain *fedus icere, ferire*—*Jovem lapidem jurare*. 29. Mention the various *Sodales*. 30. How was the *Rex sacrorum* restricted? 31. Mention the principal *Flamines*. 32. What was the object of the *Lex Domitia*? 33. What particulars are stated about the *Flamen Dialis*? 34. When was he said to be *festatus*? 35. Why was this office suspended for seventy-two years? 36. Whence do the *Salii* derive their name? 37. Whose names did they introduce into their *Axamenta* (sacred songs) and whose not? 38. What were the *Ancilia*? 39. Explain *Præsul, Vates, Magister*. 40. Whose names did the *Salii* immortalise in their hymns? 41. Explain *Saliares dapes*. 42. Who were the *Luperci*? 43. Explain *catomidiare*. 44. Explain *opertum Bonæ Deæ*. 45. What did the *Lex Fufia* enact? 46. When did women drink wine? 47. How were the *Galli* introduced into Rome? 48. What epithets are applied to Cybele? 49. Explain *Galli sanguinei*. 50. Why does *Gallare* signify *furere*?

CHAPTER IV. *Religion of the Romans.* (p. 42.)—1. Who were the *Æditi, Popæ, and Victimarii*? 2. Explain *succincti* and *Agones*? 3. Explain *tibicinum more vivere*, and give the reason. 4. What was the *Quinquatrus Minores*? and what mistake did the Romans make with respect to *Quinquatrus*? 5. Explain *favete linguis* and *calent ad nova lucra Popæ*. What is the meaning of *manus immunes*—*Seposita vestis*? 7. Explain *votum concipere*. 8. What is the Greek word for *Honor*? 9. Explain *lecta pecora* and *nitidæ victimæ*. 10. What animals were sacrificed to particular Gods? 11. Explain *extenso fune* (Juv.) 12. Why does *immolare* mean to sacrifice? 13. Explain *Libatio, Libamina prima*. 14. What was the *Holocaustum*? Explain *verba præire*

and *dextratio*. 16. In what manner did they approach their Gods? 17. How is *supplicia* used by Sallust? 18. What was a *Lectisternium*? 19. By whom and in what manner was the dedication of temples performed? 20. Explain *Consecratio*, *Exauguratio*, *Devotio*, *Execratio*, *Lustratio*. 21. Why does *Februare* signify *purificare*? 22. Why was the victim called *Amburbiale*? 23. Explain *Aqua lustralis*—what *Lustramina* were used among the Romans? 24. Which were the *Feriæ stativæ*? which the *conceptivæ*? and which the *imperativæ*? 25. What particulars are stated about the *Populifugium*, *Matronalia*, *Liberalia*, *Festum fortunæ muliebris*, *Floralia* and *Saturnalia*? 26. Why were the *Feriæ Latinæ* introduced? 27. Why were the *Novemdialia* celebrated? 28. What is the meaning of *Justitium*? 29. Explain *Dies profestus*—*Nundinæ*. 30. Which days were *non Præliares*, and why? Explain *Parricidium*.

CHAPTER V. *Roman Games and Amusements*. (p. 51.)—1. What remark does Müller make about games and dances? 2. At whose expense were Games celebrated? 3. What names are applied to them? and why? Explain *Thensæ*, *pompæ*. 5. What was the *Circus Maximus*? 6. What were the *Carceres*—what the *Hermuli*? 7. Explain *linea*, *frontibus aquabantur*. 8. What were the *Euripus*, *Porta pompæ*, and *Pulvinar*? 9. What were the *Spina*, *Metæ*, and *Ova*? 10. Explain *Consulit ante falas delphinorumque columnas*. 11. Why was the figure of an egg chosen? 12. Explain *Equi singulares*, *desultorii*. 13. Give the name of the *Grege*s or factions, and the meaning of *favent panno*. 14. Explain *Megalesiacæ spectacula* *Mappæ*. 15. Why does Horace say *Metaque fervidis evitata rotis*? 16. Explain *Missus*, *Saccos ferventis auri*. 17. Why was the *Certamen Gymnicum* called *Quinquertium*? 18. Explain *uncta Palæstra*. 19. Why were the *Athletæ* said to be *γυμνοί*? and why does Horace term their covering *Campestre*? 20. Explain *damnati ad Bestias*. 21. What were the *Ludus Trojæ* and the *Naumachiæ*? 22. Why are the *Ludi gladiatorii* termed *Munera*? 23. What titles were applied to the exhibitors of these games? 24. By what magistrates were they most frequently exhibited? 25. Explain *damnati ad ludum*, *Auctorati*. 26. Explain *rudibus batuere*, *Sagina gladiatoria*. 27. Who was the *Retiarius*? who the *Secutor*? 28. Enumerate and explain the different classes of gladiators. 29. Explain *munus ostendere*, &c. 30. Explain *præudentes*, *Arma decretoria*. 31. Describe the contest. 32. What is the meaning of *pollicem premere*, *vertere*? 33. Explain *rude donati*. 34. What were the advantages of these exhibitions? 35. What may be said in extenuation of them? (Compare the note.)

CHAPTER VI. *Roman Games and Amusements*. (p. 64.)—1. Give Müller's definition of *sæculum*. 2. For what purpose was the *Carmen Sæculare* of Horace written? 3. Explain *Ludi Scenici* and *Histriones*. 4. What were the *Fabula Atellanæ*? 5. What

did Livius Andronicus effect? 6. Enumerate the different species of Comedy, with explanations. 7. Explain *Comœdia mixta* and *Exodium*. 8. Who was the *Chorægus*? Explain *Canticum agere*. 9. What is the meaning of *stare, stare recto talo*, applied to a play? 10. Distinguish *Cothurnus* and *Soccus* — translate the passage from Quintilian. 11. Translate the passage from Martial. 12. Who were the most celebrated *Pantomimi*? and in what reigns did they flourish? 13. Explain *Corollaria*. 14. Which were the *terna Theatra*? 15. Explain *Pulpitum, Orchestra, and Cunei*. 16. What remark does Sir W. Scott make about the *status* of actors? 17. What is stated concerning *Roscius*?

CHAPTER VII. *Division of the Roman People.* (p. 71.) — 1. How long did the Regal, Consular, and Imperial Governments respectively continue? 2. Give the names of the three original Tribes. 3. What is stated about the *Curia*? 4. Who were the *Patricii*? 5. Distinguish *Connubium* and *Contubernium*. 6. What were the duties of Patrons? 7. What of Clients? 8. Explain *præcedentia longi agminis officia*. 9. State the origin of the *Plebs*, and the subsequent dissensions. 10. Why were six Vestal Virgins appointed? 11. What alteration was effected by Servius Tullius? 12. Give the names of the *Tribus urbanae*. 13. State the property-qualification of the different classes. 14. Why is a low style called *Sermo proletarius*? 15. Sum up the centuries of the different classes in figures. 16. What change did C. Gracchus effect with respect to the *Equites*. 17. What provision did the State make for the *Equites*? Why does Cicero call the *Equites, Gracchani judices*? 19. Explain *equo publico merere*, and *annulo aureo donari*. 20. What was the *Transvectio*? — Explain *Traducere*. 21. Who was the *Princeps Juventutis*? 22. Explain *Nobilitas* and *Jus imaginum*. 23. What is the meaning of *Novus homo*?

CHAPTER VIII. *Slaves.* (p. 81.) — 1. Distinguish *Corpora* and *Personæ*. 2. Why are the names of *Davus, Geta, Syrus*, given to slaves? 3. Explain *Lingua vernacula*. 4. What instance is given of *Servitus Justa*? 5. What was the condition of a son sold by his father? 6. How were insolvent debtors treated? 7. Explain *emtus de catastâ*. 8. Distinguish *Pileati* and *Gypsatis pedibus*. 9. Explain *Artes illiberales*. 10. What is the meaning of *Dimensum* and *Peculium*? 11. How were slaves treated at Rome and Athens? 12. Explain *Villici*, and *Ergastulum*. 13. Distinguish *Adscripti glebæ* and *Coloni*. 14. What were the punishments of slaves? 15. When was a slave *Literatus*? 16. How was the *Manumissio justa* effected? 17. Explain *vertigo*. 18. What freedmen were *Orcini*? and why? 19. Explain *ad pileum servum vocare*, and *tria nomina*. 20. In what relation did the freedman stand to his patron? 21. What was the *Manumissio minus justa*? and how effected?

CHAPTER IX. *Revolutions of Political Power.* (p. 89.) — 1. What was the early government of Rome? 2. What was the Office of the King? 3. Translate *provocatio*. 4. Why was the *Securis* inserted in the *Fasces*? 5. Whence originated the struggle between the Patricians and Plebeians? 6. Explain *Novæ Tabulæ*. 7. What is stated about the Tribunes? 8. What was the object of the *Lex Publilia*? 9. Explain *Isorepula*. 10. What were now the privileges of the people? 11. Translate the passage from Sallust? 12. How did the Romans canvass for offices? 13. How did the Senate regain its ancient power? 14. What did C. Gracchus effect? 15. What was the object of the *Lex Domitia*? 16. Give the characters of Marius and Sylla. 17. What regulations did Sylla make? 18. Who attempted to abolish them? 19. Explain *Jus legibus solvendi*. 20. What remark is made about the Emperors?

CHAPTER X. *Popular Assemblies.* (p. 98.) — 1. What is the meaning of *Majestas*? 2. Enumerate the different species of popular assemblies. 3. Define *Comitia*. 4. What epithets are applied to the *Comitia*? and for what reasons? 5. What Magistrates presided at the *Comitia*? 6. How were the *Comitia Centuriata* summoned? 7. What remark is made about the *Dies Comitiales*? 8. What does Niebuhr say about the *Nundinæ*? 9. What was the object of the Hortensian law? 10. Where was the *Mundus*? and on what days was it opened? 11. To whom were the Calends and Ides sacred? 12. What days were termed *atri*? and why? 13. State other restrictions upon holding the *Comitia*. 14. Explain *Justitium, feriæ*.

CHAPTER XI. *Popular Assemblies.* (p. 102.) — 1. Where must the popular assemblies be held? 2. What is stated about the *Comitium*? 3. Where were the *Comitia Centuriata* held? 4. Explain *Septa, Ovilis*. 5. What were the *Pontes*. 6. Explain *Depontani*. 7. What were the *Septa Julia*?—by whom completed? 8. Explain *rogare populum, dare concionem*. 9. What were the prerogatives of presidents in elections? 10. Explain *suffragia non observare*. 11. Explain *irrogare multam*—*pænæ seu mulctæ certatio*—*Legem proposuit*. 12. Who was the *Auctor Legis*? and what did he do? 13. During what time of the day were the *Comitia* held? 14. Who had the *jus intercessionis* in the popular assemblies?—who in the senate? 15. What does Cæsar call the *veto* of the Tribunes? and why? 16. Explain *Uti rogas* and *Antiquo*. 17. How was the vote by ballot (*per tabellas*) conducted? 18. Distinguish the *Rogatores* and *Custodes*. 19. Explain *Omne punctum ferre*. 20. What was the *Morbus Comitialis*? 21. Explain *non explere centurias*. 22. What remark is made about the election of Consuls and of Censors?

CHAPTER XII. *Popular Assemblies.* (p. 108.) — 1. Where were the *Curie veteres* and the *Curie novæ* respectively situated? 2.

How did the *Comitia Curiata* sink in importance? 3. What were the privileges of the *Comitia Curiata*? 4. Explain *Arrogatio* and *Detestatio sacrorum*. 5. What remark does Cicero make about the *Comitia curiata* in his time? 6. Explain *Comitia calata* and *Principium*. 7. To what circumstance are the *Comitia Centuriata* indebted for their importance? 8. Explain *Centuria prerogativa*. 9. What is stated to be "a mere form"? 10. What was the province of the *Comitia centuriata*? 11. What magistrates occasionally held the *Comitia*? 12. What did the Senate determine? 13. How did the *Comitia tributa* originate? 14. Distinguish *Conciones* and *Comitia* (see p. 98. note). 15. What is stated about these *Comitia*? 16. Why did Sylla wish to abolish them? 17. Explain *tribunitiis rogationibus acerrimum telum datum est*. 18. What Magistrates were elected by the *Comitia tributa*? 19. What priests could they elect at a later period? 20. Explain *Rogationis Princeps*. 21. Why could not the presiding Tribune read a motion himself? 22. What difference is mentioned between the holding of the *Comitia Tributa* and the other *Comitia*? 23. Explain the passage from Cicero.

CHAPTER XIII. *The Senate.* (p. 115.)—1. Why was the Senate said to possess *Auctoritas*? 2. What phrase is quoted from Livy? 3. How did Romulus institute the Senate? 4. What epithet is applied to the supplementary members of Tarquin the elder? 5. State the number of the Senate at different periods. 6. Why are the *Equites* called *Senatorum seminarium*? 7. What were the requisites of a Senator at different periods? 8. Who elected the Senators? 9. State the *census* or property-qualification of a Senator at different periods. 10. What reason is given for this regulation? 11. Distinguish the "*præteritus*" from the Senator who was expelled for ever from the Senate. 12. What were the badges of a Senator? 13. Explain *lunata planta*. 14. Why does Juvenal call the Senate *Orchestra*? 15. When did they obtain a particular seat at the Circus and the Amphitheatre? 16. Distinguish *Senatus legitimus* and *Senatus indictus*. 17. For what purpose did Augustus choose *consilia semestria*?—explain *semestria*. 18. What was the *captio pignoris*? 19. Explain *cedere pignora*. 20. Who were the *Senatores peditarii*?

CHAPTER XIV. *The Senate.* (p. 121.)—1. Enumerate the places of assembly for the senate. What was necessary? 2. Explain *Legitimus numerus*, *Senatus frequens*. 3. What was the object of the *Album Senatorium*. 4. Explain *res deferre* and *referre ad senatum*. 5. What formality is mentioned? 6. Give the order in which the Senators were asked their opinions. 7. Give the order of affairs to be debated upon? 8. Explain *censere verbo* and *egredi relationem*. 9. What was the consequence of the latter? 10. Explain *hoc amplius censeo*. 11. When was a motion said to be *per satutam*? 12. Give the Latin phrases for "duly consulting the Senate" and "putting an opinion to the

vote." 13. How was a *discessio* conducted? 14. Explain *discedere* v. *transire in alia omnia* and *pedibus ire in sententiam alicujus*. 15. Distinguish between *Senatus consultum* and *auctoritas*. 16. What were the *Senatus consulta tacita*? 17. Give the form of dismissing. 18. Who was the *auctor sententiæ*? and what is meant by the *auctoritates præscriptæ*? 19. Explain *Æra legum*. 20. Give the Latin phrase for Archives — where were the decrees of the Senate deposited? 21. By what office and by what individual was the power of the Senate limited? 22. Give the words of that decree which was termed *Forma S' Cti ultimæ necessitatis*. 23. Enumerate the powers of the Senate. 24. What titles were conferred upon foreign princes? 25. Explain *Jus solvendi legibus*. 26. How did Cæsar and Antony lower the dignity of the Senate? 27. Explain *Senatores Orcini*. 28. What were the powers of the Senate under the Empire? 29. Translate *Jus procurandi provincias Romani populi*, and *Jus percutiendi nummos*. 30. What difference is mentioned between the character of the imperial and the republican Senators?

CHAPTER XV. *Roman Magistrates*. (p. 128.) — 1. Translate the passage from Festus respecting Magistrates. 2. Distinguish between *Magistratus* and *Sacerdos*. 3. Enumerate the divisions of Magistrates. 4. Explain *Magistratus curules*. 5. At what age could different magistracies be borne, according to the *Lex Villia Annalis*? 6. Explain *suo anno* and *annos remittere*. 7. Explain *nisi aves addidissent* v. *admisissent* and *in leges jurare*. 8. What were the *Leges de Ambitu*? 9. Who were the *Interpretes*? Who the *Sequestres*? 10. For what purpose were *Coitiones* formed? 11. Explain *profiteri nomen*, *recusare nomen*. 12. Distinguish between *Sectatores* and *Salutatores*. 13. Where did the Candidates stand? 14. How was the successful candidate conducted home? 15. What were the objects of the *Lex Claudia* and *Lex Pompeia*? 16. When was the Consulship instituted? 17. How does Niebuhr explain the word *Consul*? 18. Why were *two* Consuls created? 19. With what powers were they invested? 20. By what laws were these powers limited? 21. What do you mean by *provocatio*? Explain *securim fascibus ademit*. 22. Give an instance showing that the nominee of the patricians was superior to that of the plebeians? 23. What were the *Insignia* of the Consuls? 24. Explain *numerare multos consules*. 25. What were their *insignia* under the Emperors? 26. Who were the *Consules subrogati* or *suffecti*? What was the object of their election? 27. How long were the Consuls, *Consules designati*? and why? 28. Explain *munus suum auspicabantur*. 29. When did the Consuls enter upon their office?

CHAPTER XVI. *Roman Magistrates*. (p. 135.) — 1. When was the prætorship separated from the Consulship? 2. What connection subsisted between these two dignities? 3. Distinguish *Prætor urbanus*, and *Prætor peregrinus*. 4. Translate the passage from

Cicero relative to the *Prætor*. 5. Explain *qui quæstioni præessent, &c. cognitio*. 6. Explain *a subselliis in otium se conferre*. 7. Distinguish *Dies fasti, intercesi, and nefasti*. 8. What is implied in *Do, dico, addico*? What does Ovid term them? 9. What did the *Prætor Urbanus* do when entering upon his office? 10. Explain in *albo*. 11. Distinguish between *Edicta Tralatitia* and *Edicta Nova*. What did the *Lex Cornelia* enact? 12. What was the *Jus honorarium*? What was the jurisdiction of the *Prætors* under the Emperors? 14. When were the provincial *Prætors* first instituted? 15. What was their number at different periods? 16. Who were the *Prætores ærarii* and *Prætores fidei-commissarii*? 17. What regulation was made A. U. 604? 18. Enumerate the *Quæstiones perpetuæ*. Why so called? 19. What *Quæstiones perpetuæ* were added by Sylla? 20. What were the badges of the *Prætor*? 21. When and why were the *Ædiles plebei* created? 22. What was the office of the *Ædiles*? 23. Explain *vasa minora frangere*. 24. When, why, and by what law were the *Ædiles Curules* created? 25. Was there any difference between the two offices? 26. What are the duties of the office as described by Cicero? 27. What privileges were attached to the *Ædileship*? 28. Explain *Jus imaginis*. 29. What were the *Ædiles Cereales*?

CHAPTER XVII. *Roman Magistrates.* (p. 142.)—1. Why and on what occasion were the Tribunes of the people created? 2. What was their number?—Explain *sacrosancti*. 3. Why were they said to be *sine magistratu*? 4. Distinguish *multam dicere* and *multam irrogare*. 5. Translate the passage from Liv. ii. 35. 6. Distinguish *prehensio* and *vocatio*. 7. What bill was introduced by Volero? 8. What advantages were gained by the transfer? 9. What took place A. U. 302.? 10. How was the power of the tribunes limited before the overthrow of the *Decemviri*? 11. What was enacted by the *Lex Icilia* (298) and the *Atinium plebiscitum*? 12. What were the privileges of the tribunes? 13. Explain *concionem dare, concionem ascendere*. 14. To what extent did the Tribunes sometimes exert their authority? 15. When was the Tribunician power in its zenith? 16. In what manner might the power of the Tribunes be resisted? 17. When did this take place. 18. What was enacted by the *Tribunica Lex* of Sylla? 19. Explain *agere cum populo*. 20. What was the object of the *Lex Aurelia*? 21. What changes were effected by Cæsar and Augustus? 22. Whence did the *crimen majestatis* take its origin?

CHAPTER XVIII. *Roman Magistrates.* (p. 147.)—1. When was the Quæstorship instituted? 2. Why were eight Quæstors created 500 or 488 A. U.? 3. What was the number of Quæstors under Sylla, Julius Cæsar, &c.? 4. Enumerate the duties of the Quæstors. 5. What changes are mentioned respecting the care of the public money? 6. What is stated about the *Quæstorium*, and the provinces of the Quæstors? 7. Explain *primus Gradus honoris*

and *capessere rempublicam*, &c. 8. What were the duties of the *Quæstores parricidii*, *Quæstores palatii*? 9. What were the duties of the *Triumviri capitales* and the *Triumviri monetales*? 10. What were the duties of the *Decemviri litibus judicandis*, and the *Vigintiviri*? 11. Explain *decem — hasta virorum*. 12. What was the first occasion of electing a Dictator? 13. For what purpose was a Dictator elected at various periods? 14. When and how? 15. Explain *semestris dictatura*. 16. How was the power of the Dictator limited? 17. What did the *Lex Duilia* enact? What rule was violated by Sylla? 19. What changes were effected by Cæsar and Augustus? 20. What is stated about the *Magister Equitum*?

CHAPTER XIX. *Roman Magistrates*. (p. 153.) — 1. Upon what was the Censorship founded? When was it separated from the Consulship? 2. Explain *Censura annua ac semestris*. 3. What is stated about the title of Censor? 4. Which were the most famous Censorships? 5. Explain *censere populi civitates, soboles, familias, pecuniasque*, and *notas inurebant*. 6. What was the effect of the *animadversio Censoria*? 7. From what must *Ignominia* be distinguished? 8. Explain *senatu movebant, equum adimere, tribu movere*. 9. Give the Latin phrases for “depriving a citizen of the *Jus suffragii*.” 10. Explain the phrases (*see note*). 11. Translate the remark of Cicero respecting the *turpe Judicium*, and distinguish it from the *censoria animadversio*. 12. What did the *Lex Clodia* enact? 13. What other duties were attached to the office of Censor? 14. What did the *Marcia Lex* enact? 15. What was the *præfectura morum*? Who assumed the title of *Magister morum*? 16. Explain *condere Lustrum*. 17. What is stated about the etymology, duration, &c. of a *Lustrum*? 18. What was the office of *Interrex* during and after the time of the Kings? 19. What was the office of the *Præfectus urbis* or *Custos urbis*? 20. What change was effected in it by Augustus, and under the Empire? 21. What was the *Præfectus annonæ*? Under Augustus? 22. Why were the *Decemviri legibus scribendis* created? 23. What remark is made about their power? 24. What did the *Lex Canuleja* effect? 25. What was the number of the *Tribuni militum consulari potestate*? 26. What are the remarks of Niebuhr? 27. What did the *Lex Licinia Sextia* enact? 28. What other officers are mentioned? 29. What was the office of the *Scribæ*? Explain *decuriam emere*. 30. State the office of the *præcones*. 31. Of the *Lictores*? Explain *prænuncius clamor*. — 32. *In eum lege age*. 33. What were the duties of the *Coactores*, *Accensi*, *Viatores*? 34. What is remarked about the *Statores*?

CHAPTER XX. *Roman Magistrates (Provincial)* (p. 162.) — 1. Explain *in formam provincias rodigere*. 2. Distinguish *Provincia Pratoria* and *Proconsulares*. 3. How is the name of *proconsul* applied? 4. What did the *Lex Sempronia de provinciis ordinandis* enact? — 5. The *Lex Julia*? 6. Explain *Viaticum — comitatus v. cohors — Vasarium*. 7. Who were the *Contubernales*? 8.

What did a Proconsul do before he set out for his province? 9. Distinguish *imperium* and *potestas*. 10. Explain *conventus agere*, *conventus circumire*. 11. What is stated about the mode of administering justice? 12. What was enacted by the *Lex Tribonia*? 13. Explain *salarium*. 14. What were the *rationes confectæ et consolidatæ*? Where deposited? 15. Explain *crimen repetundarum* — *peculatus* — *majestatis*. 16. If important exploits had been performed, what then? 17. Distinguish the office of *Legati* from the *Legationes liberæ*. 18. What change was made by Cicero in the latter? and why? 19. Translate and explain the passage Cic. ad Div. xiii. 10. 26.

CHAPTER XXI. *The Emperors — Offices under the Empire.* (p. 167.) — 1. What titles were assumed by Augustus? 2. What did the term *Imperator* signify at different periods? 3. Explain the title *Augustus*. 4. What was the effect of it? 5. What remark is made about the title *pater patriæ*? 6. What about "*Cæsar*"? 7. Explain *petis tanquam Cæsaris candidatus*. 8. Distinguish the *provinciæ Cæsareæ* and the *provinciæ Senatoriæ*. 9. What distinctions are noticed? 10. What names or titles were applied to the Imperial Governors? 11. What were the duties of the *procuratores provinciarum*? 12. Distinguish *Fiscus* and *Ærarium*. 13. Explain *Jus gladii*. 14. Explain *procurator et præses*. 15. Distinguish *magistratus* and *dignitates*. 16. What was the office of the *præfectus prætorio* at different periods? 17. What distinctions were attached to this officer? 18. What were the duties of the *magistri militum*, the *magistri militum præsentiales* — the *præpositus sacri cubiculi*? 19. What was the office of the *Magister scriniorum*, the *Magister scrinii memoriæ*, the *Magister scrinii epistolarum*, the *Magister libellorum* — the *Refendarii*? 20. Enumerate and explain the titles introduced by the Emperor Theodosius.

CHAPTER XXII. *The Rights of Roman Citizens.* (p. 174.) — 1. Define *Connubium*. 2. By what was the *Civis optimo jure* distinguished? 3. State the civil rights of the *Latinus*. 4. What was the condition of the *peregrinus*? 5. Translate Ulpian's definition of *Commercium*. 6. Give the etymology of *Municipes*. 7. What were the names of their chief magistrates? 8. What distinction is remarked, and what was their condition under the Emperors? 9. What was the object of Roman colonies? 10. Distinguish *Coloniæ togatæ* and *Coloniæ sagatæ* v. *militares*. 11. What is stated about their internal Government? 12. What observation is made about Colonies in Italy — *Colonia Latina*? 13. Explain *deminutio capitis*. 14. What was the condition of the *præfecturæ*? 15. Explain *forum conciliabulum*. 16. How were the provinces governed? 17. What was the condition of the *liberæ civitates*? 18. Give instances. 19. Why were they termed *πόλεις ἀσὶ νόμοις*? 20. What privileges were attached to these cities or states? 21. What is meant by *formula*? Explain in *antiqui formulam ju-*

vis restitui. 22. Distinguish *Coloniae provinciales* and *Coloniae Juris Italici*. 23. What were the privileges of the *Jus Italicum*? 24. Why could not the free cities possess land in *dominio Quiritario*? 25. Translate the passage from Cicero (*pro Balbo*, xi). 26. How might the *optimum jus civitatis* be derived? 27. How might the *Jus civitatis* be forfeited? 28. What is observed about the manumission of slaves? 29. Distinguish *prænomen* and *agnomen*, *libertus* and *libertinus*.

CHAPTER XXIII. *Roman Jurisprudence*. (p. 184.) — 1. What did the Romans understand by *Jus*? 2. Enumerate its divisions. 3. When did the *Leges regiae* lose their authority? 4. What laws were then enacted? 5. Enumerate the various modes in which the Emperors ordained laws — Distinguish the Latin phrases. 6. What were the three great sources of Roman Jurisprudence? 7. What other sources are indicated? 8. Enumerate the various codes. 9. What is remarked about the contents and authority of the *Codex Gregorianus* and the *Codex Hermogenianus*? 10. What is remarked about the compilation and publication of the Theodosian Code? 11. What constitutions are excluded? 12. What is remarked about the compilation and publication of the *Codex Justinianus*? 13. Explain *Novellæ* and *Codex repetitæ prælectionis*. 14. From what sources were the *Pandectæ* v. *Digesta* compiled? 15. What is the object of the *Institutes*? 16. What are the remaining contents of the *Corpus Juris civilis*? 17. What remark is made about the language of the *Institutes* and *Pandects*? 18. How may the richness of the Roman Jurisprudence be explained? 19. Distinguish *Institutiones*, *Enchiridia*, *regulae*, *responsa*, *sententiae*, *digesta*, *disputationes*. 20. When did Law assume the form of a science? 21. Translate the passage from Gothofredus. To whom does it refer? 22. How are the *Pandects* divided? 23. Explain *παράτριχα*.

CHAPTER XXIV. *Judicial Proceedings of the Romans*. (p. 191.) — 1. Explain *formulae*, *verba concepta*. 2. Distinguish *causæ publicæ* and *causæ privatæ*. 3. Distinguish *accusator* and *petitor* — *Reus* and *is qui, unde petitur*. 4. Explain *divinatio* and *scriptio*. 5. What was the consequence of the principal accuser signing the indictment? 6. How were criminal trials held before A. U., 604? 7. Explain *Quæstiones perpetuæ* — *Quæstionem habere*. 8. What did the various laws, cited, enact concerning the *Judices*? 9. Explain *in album referebantur*. 10. What was their number? 11. Translate *princeps* v. *Judex quæstionis*, and what is remarked concerning a trial for bribery? 12. With what did the *vocatio in jus* commence? 13. Explain *postulare aliquem de crimine*, *libellus postulationum*. 14. Explain *calumniam jurare* — *lis æstimabatur* — *libellus accusationis*. 15. Explain *mæsti rei* — Distinguish *advocati* and *patroni causæ*. 16. Distinguish *cognitores* and *procuratores*. 17. What was the case if either party was absent? 18. How were the *Judices* chosen? Explain *subsortiri*, *jurati*

homines. 19. Distinguish *Questiones*, *Testes*, and *Tabulae*. 20. What took place in the first action? What in the second? 21. Explain *ius testimonium denunciabatur*. 22. Explain *eculeo longior factus*, and what is remarked about slaves? 23. Who were the *laudatores*? In what cases did they particularly appear? 24. Explain *prætor mittit iudices in consilium*. 25. Explain the three letters marked on the tablets. 26. When and why was a criminal said to be acquitted *calculo Minervæ*? 27. Explain *causa ampliata est*. 28. Explain *causa paucorum calculorum — erroribus calculum adicere — reportare calculum deteriorem*. 29. When was an accuser branded with *K*? 30. Explain *calumniam litium* and *prævaricatio*. 31. What is remarked concerning processes *de repetundis*? Explain *comperendinatio*. 32. Explain *intendere leges*. 33. Explain *descendere ut acturus — producere, ostendere famam*.

CHAPTER XXV. *Judicial Proceedings of the Romans*. (p.199.) — 1. Distinguish between *arbitri* and *iudices*. 2. What were the *recuperatores*? 3. What is stated about the institution and office of the *Centumviri*? 4. Explain *judicium hastæ — centumviralem hastam cogere*. 5. Distinguish *inter parietes* and *in jus vocare*. 6. Explain *antestari*. State the formality. 7. What did the *XII. Tab.* allow? 8. Distinguish *edere actionem* and *intendere in rem*. 9. Explain *postulare actionem* and *dare actionem*. 10. Explain *formulâ excidere*. 11. How is *Vindex* defined by Festus and Boëthius? Explain *contestatio litis*. 12. Define *Vadimonium*. 13. Enumerate the divisions. 14. Distinguish *Stipulator* and *Asipulator*. 15. What names are applied to the defendant's sureties? 16. Distinguish *in jure* and *in judicio*. 17. Explain *decidisse — litem redemisse — lite contestatâ*. 18. Explain *vadimonia differre*. 19. What phrases are given for "fulfilling or not fulfilling the *Vadimonium*"? 20. Explain *satisfactio — missio in bona*. 21. What was the consequence of the latter? 22. What is *formulâ cadere* equivalent to? 23. In what cases might the prætor refuse *dare iudices*? 24. In case the plaintiff appeared as *temerè litigans*, what might the defendant do? 25. Distinguish *convictus* and *confessus*. 26. What formalities are mentioned respecting the *Judices*? 27. Explain *pedanei Judices — Sedere*. 28. Distinguish *Jurisperiti* and *causidici*. 29. Translate *locos v. sedes argumenti — justâ oratione*. 30. Translate and explain the passage from Plin. Ep. vii. 2. 31. What was the office of the *ministratores*? Explain *colligere coronam*. 32. Translate and explain the passage from Juv. xiii. 32. 33. Explain *litem addicere — diem diffindere*. 34. What is meant by *restituere in judicium*? 35. What remarks are made about Appeal? 36. Explain *judicatum facere v. solvere*. 37. What were the *dies Justi* in *XII. Tab.*?

CHAPTER XXVI. *Punishments among the Romans*. (p.209.) — 1. What was the amount of the *multa minima* and the *multa maxima*? 2. What was enacted by the *Lex Atheria* and the *Lex Menenia*?

3. What is *talio*? When did it fall into disuse? In what cases did Trajan enforce it? 4. What was enacted by the *Lex Porcia*? 5. Explain *custodia privata*. 6. Distinguish *proscriptio bonorum* and *cessio bonorum*. 7. What was the *Tullianum*? — the *Robur*? 8. How might death be carried into execution? 9. Why was crucifixion termed *servilis cruciatus*? 10. How was parricide punished? 11. Explain *damnatio ad bestias, gladium, metalla*. 12. Explain *tunica molesta*. 13. What did the *Lex Sempronia* enact? 14. What was the effect of *ignominia*? 15. How does Niebuhr define *exilium*? 16. What is meant by *interdictio ignis et aquæ*. 17. Distinguish *Deportatio* and *Relegatio*.

CHAPTER XXVII. *Military Affairs of the Romans.* (p. 214.) — 1. What is remarked about the superiority of the Roman army? 2. Give the substance of Vegetius's remarks about Roman discipline. 3. What was the first remarkable military exploit? 4. What wars and individuals are mentioned as contributing to the improvement of the art of war? 5. What regulation was enforced in the early period of the Republic? 6. Enumerate the grounds of exemption from service. 7. Translate *emeriti — qui stipendia explevisent*. 8. Explain *tumultus*. What took place in it? 9. What remark is made about slaves? 10. What was the established period of service? 11. What is observed about the *capite censi*? 12. What was the consequence of the innovation of Marius? 13. What did Cæsar do? 14. Who were the *campi doctores*? and by whom and for what purpose were the *doctores gladiatorum* introduced? 15. State the mode in which troops were raised for the legion. 16. Distinguish *tribuni (militum) comitiati* and *tribuni (militum) rufuli*. 17. What were the *tribuni minores*? 18. How did the tribunes command the legion? When were they superseded? 19. Explain *bona nomina*. 20. State the mode of forming the legion. 21. What is remarked about the *Veterani*? Why are they sometimes called *Evocati* and *Vexillarii*? 22. Explain *verba Sacramenti præire*. What was the nature of the *Sacramentum*? 23. Explain *ponere tirocinium*. How is *dies Tirocinii* used by Suetonius? 24. Enumerate the military exercises.

CHAPTER XXVIII. *Military Affairs.* (p. 222.) — 1. Name the different kinds of heavy-armed troops. 2. Whence did the *Hastati* derive their name? 3. Why were the *Principes* called the *Antepilani*, and the *Triarii* — *Subsidiarii*? 4. Name the light-armed troops. 5. What remarks are made about the armour and position of the *Velites*? 6. From what troops must they be distinguished? 7. What was the number of the *Equites* at different periods? 8. Distinguish the *Alarii Equites* and the *Legionarii*. 9. How were the *Legionarii Equites* divided? 10. State the mode of appointing *centuriones* and *decuriones*. 11. Why were they divided into *priores* and *posteriores*? 12. Explain *vite donari — vitam poscere*. 13. How did the Centurions take precedence? 14. Give the titles of the first Centurion of each class. 15. Why is *Aquila* used

by Juvenal for the office of *primipilus*? — Distinguish the word from *primus pilus*. 16. Explain *gregarius miles* and *decimus hastatus posterior*. 17. Give the etymology of *legio* and *miles*. 18. Enumerate its divisions and number at different periods. 19. Explain *justus equitatus*. What is remarked about the first cohort? 20. Distinguish *cornua* and *ala*. 21. State the number of the different troops composing a consular army. 22. What is observed about the number of legions in the time of Hannibal? 23. In the time of Tiberius? — After the division of the Empire? 24. Cite names given to them, along with the reasons.

CHAPTER XXIX. *Military Affairs.* (p. 230.) — 1. What did the armour consist of? 2. Distinguish *clypeus* and *scutum*. When did the latter come into use? 3. What other innovations were introduced? 4. Describe the *scutum*. What was the object of the *umbo*? 5. Describe the *galea*. — By what superseded in later times? 6. What was the *thorax* v. *pectorale*? 7. What was the *lorica*? 8. When did they fall into disuse? 9. What was the *Ocrea*? Why worn on the right leg? 10. Enumerate the weapons of offence. 11. What is remarked about the Spanish sword? 12. What was the practice of the Romans? 13. Describe the *Hasta*. Explain *hasta ansata*. 14. What was the *parma*? 15. Describe the *pilum*. 16. What remark is made about the *Triarii*? 17. To what period does this description principally apply? 18. Why were the cavalry comparatively inefficient? Explain *Cataphracti*. 19. What was the *sagum*? Explain *est in sagis civitas*. When did it take place? 20. Explain *paludati duces*. 21. What was the *Chlamys*? 22. What were the *caligæ*? Explain a *caligæ ad consulatum perductus*. 23. Explain *dimensum* — *Armamentaria*. What do we meet with in later times? 24. What was the *manipulus* originally. Explain *numina legionum*. 25. When did the *Aquila* become the common standard of the Legion? 26. Where was it stationed? 27. When were the *draco* and the *labarum* introduced? 28. How was the *vexillum* employed? 29. Why had the cohorts particular ensigns? 30. Explain the various phrases connected with *signa*.

CHAPTER XXX. *Military Affairs.* (p. 238.) — 1. Distinguish *castra stativa* and *mansio*. 2. How are *alteris castris*, *tertius castris* employed? 3. Distinguish *castra legitima* and *castra tumultuaria*. 4. What was the form of the camp? How fortified? 5. What was the *Prætorium*? Why called *Augurale*? 6. What were the *viæ*? Why termed *Quintanæ*? 7. Enumerate the four gates of the camp. 8. Where was the *Quæstorium*? 9. How was the camp divided? 10. What was the object of the *Spatium ad vallum* (see plan)? 11. What did a *contubernium* consist of? Who was the *decanus*? 12. Distinguish *tentorium* and *hibernacula*. 13. What law was introduced by *Camillus*? 14. What stood in the *Principia*? 15. Explain *movere castra* — *conclamare vasa* — *tabernacula detendere*. 16. Who were the *munifices*? Who

were *immunes* by law? Explain *beneficiarii*. 17. What did the *procubitores* do? 18. What was the use of the *tessera*? Give the *symbolum* of Marius, Sulla, Cæsar, and Brutus. 19. Why and when were shields taken from the guards on duty? Explain *circumire*, *obire*. 20. What did a Roman soldier carry on march? Distinguish *impedimenta* and *sarcinæ*. 22. Enumerate those who were attached to the army. 23. Distinguish *armaria* and *fabricæ*. 24. What were the exercises of the camp?

CHAPTER XXXI. *Military Affairs.* (p. 243.)—1. What inference is drawn from the battles of Tunis, Cannæ, and Zama? What order was most usually adopted? 3. How were the *Hastati* ranged? Explain *intervallum*. 4. How were the *Principes* drawn up? 5. The *Triarii*? 6. Enumerate the advantages of this order of battle. 7. When and why was the legion formed into columns? 8. When was the *Vexillum* hoisted on the *Prætorium*? 9. State the preliminaries to an engagement. Explain *aquila prodire nolentes*. 10. When were Testaments said to be made in *procinctu*? 11. Translate and explain the passage from Livy (xxiv. 21. 41.). 12. What was the office of the *Velites*? 13. Describe the attack of the legionaries. Explain *ad pila et spathas ventum est*. 14. Describe the attack of the *Triarii*. Explain *ad Triarios ventum est*. 15. What does Hooke remark about this order of battle? 16. Enumerate and explain the various other modes in which troops might be drawn up. 17. Explain *Testudo militaris* — *Acie erigere* — *Imperator*.

CHAPTER XXXII. *Military Affairs.* (p. 251.)—1. What change in the drawing up of legions was introduced by Marius? practised by Cæsar? 2. Describe the *Legio quadrata*. 3. How were the different legions drawn up in relation to each other? Explain *en échelon*. 4. What were the advantages of this order of march? 5. Explain *quadratum agmen*, *Agmen longum*. 6. Explain *lorica*, *pinna* — *urbem obsidione cingere*. 7. Enumerate the *tormenta*. 8. What was the use of the *turres mobiles*? Explain *cuniculos agere*. 9. Describe the *Aries*. 10. What were the *Vineæ* — the *Tolleno*? 11. What did the Romans do when on the point of carrying a place? what keep secret? 12. Why was the naval power of the Romans never fully developed? 13. How is the observation of Polybius explained? 14. Enumerate and explain the different sorts of vessels that composed a fleet. 15. Explain *puppis turrata* — the object of the *propugnacula*. 16. What was the object of the *ferreæ manus*? 17. What were the fighting portion of the crew termed? 18. How many fleets were established under Augustus? and where? 19. What was the *insigne*, or *parasæmon*? 20. Enumerate the chief parts of a ship. 21. What were the *Antennæ* — *Cornua*. 22. The *Pedes*? Explain *facere pedem*, *currere utroque pede*. *Obliquat lævo pede carbasa*. 23. Explain *vela facere* — *subducere vela* — *Remigio veloque*. 24. Why were the ships of war termed *Ros-*

trata — *Arata*. 25. What was the *Bolis*, or *Molybdis*. 26. Explain *oram solvere*. 27. Distinguish *præfectus classis* — *Navarchus* and *Nauclerus*. 28. Enumerate the different classes of Rowers. 29. Who was the *Pausarius*. Explain *celeusma* (κελεύω). 30. Translate the passage from Livy.

CHAPTER XXXIII. *Military Affairs*. (p. 261.) — 1. Enumerate and explain the milder punishments. 2. The severer punishments. 3. What punishment was particularly in use from the time of the civil wars? 4. Explain *hasta pura* — *lati phaleris omnes et torquibus omnes*. 5. Enumerate other smaller rewards. 6. Explain *Quercus civilis*. On what account was the *corona civica* given? 7. Enumerate the other crowns, and the objects for which they were given. 8. What did the *Lex Ampla Labiena* enact? 9. What were the *Spolia opima*? Give instances. 10. Explain *supplicationes*. 11. What was the highest military honour? 12. What did the *Lex Porcia triumphalis* enact on this subject? State the conditions — explain *senatus datus imperatori* — *suis auspiciis*. 13. Explain *imperator lege solvebatur* — *Justo dormitus triumpho*. 14. Describe the triumphal procession. 15. Distinguish *aurum signatum* and *aurum rude*. 16. Translate and explain the passage (Tac. Ann. ii. 41.). 17. Describe the dress and ornaments of the *Triumphator*. 18. Whence were the robes and ornaments borrowed? 19. What is remarked about the countenance of the *Triumphator*. 20. Describe the *Ovatio*. Give its etymology. 21. What custom was introduced by Augustus? What is remarked about Belisarius? 22. What is stated about discharge from service. 23. Enumerate and explain the different species of discharge.

CHAPTER XXXIV. *Finances of the Romans*. (p. 269.) — 1. What was the *Tributum*. Explain *Tributa temeraria*. 2. When were the tributes remitted and why? 3. Enumerate the four periods of Roman finance. 4. How was religion provided for by Romulus and Numa? 5. What is stated about fines and confiscated property? 6. What was done by Constantine? Explain *decuriones*. 7. What were "the poll tax" and the property tax termed? 8. What was the *Aurum vicesimarium*? When first applied to the uses of the State? 9. What is stated about the *Salinæ*? 10. Explain *Ager publicus*, *Agri decumani*. 11. Explain *redigi in publicum*. What were the *Manubiæ*? 12. What was it natural to expect? 13. Why were the taxes reimposed? Explain *Fiscus*. 14. How were the revenues of the *Fiscus* increased? 15. Enumerate and explain the various taxes imposed by the Emperors. 16. What was the *Indictio*? What does Gibbon state about it? 17. Explain *Canon*, *Censitores*, *Tabularii*. 18. What terms are applied to the tax upon trade? 19. Explain *aurum coronarium*. 20. Mention other sources of Imperial revenue.

CHAPTER XXXV. *Finances of the Romans*. (p. 275.) — 1.

What were provided for at the public cost? 2. What is stated about military pay? 3. Distinguish *Donativa* and *Congiararia*. 4. How was the expenditure increased in the time of Constantine? 5. What remark is made about the decay of the Empire? 6. State the changes with respect to the determining power in financial matters. 7. Explain *edixit princeps*. 8. State the limitation of the Emperor's power. 9. What officers superintended the revenue? and what is stated about them? 10. State the duties of these officers. What is stated about the Scribes attached to them? 11. Explain *locare vectigalia, sub hasta venire*. 12. Who were the *publicani*? Explain *manceps, prædes, repræsentari*. 13. What were the inferior servants termed? 14. Why did Cicero, Julius Cæsar, court the favour of the *publicani*? 15. How did they retain certain statesmen in their power? 16. What does Montesquieu remark?

CHAPTER XXXVI. *Coins, Weights and Measures.* (p. 280.) — 1. Why is *pendere, stipendium* applied to pay(ments) of money? 2. How many *uncia* or parts did the *as* contain? 3. Enumerate the various coins. 4. Explain *As libralis, Sextantarius, uncialis, semuncialis*. When were they respectively introduced? 5. What is stated about the introduction of the term *Æs grave*? 6. To what coin is *Bigatus* and *Quadrigatus* applied? and why? 7. Prove from Plutarch the value of the *Denarius* in Attic money. 8. Explain *victoriatus, Sestertius* (why called *Nummus*?). 9. State the mode of calculation by Sesterces. — 10. In sums above 10,000 thousand. 11. What is stated about the "adverb?" — about "lines drawn over letters"? 12. When was the *Aureus* struck? Prove its value. 13. State the value of the different coins. 14. Enumerate the various measures for solids and liquids. 15. State the contents of each. 16. Enumerate the various measures of length or distance. 17. State the contents of each. 18. Translate the passage from Columella (v. 1. 5.). 19. Explain *collegia*. 20. Distinguish *Mercatura* and *Negotiatio*. 21. Distinguish *Magnarius, Caupo*, and *Institor*. 22. What was the consequence of luxury? 23. Explain *Leges sumptuariae*. 24. By what means was popular favour acquired? 25. What is remarked about the Egyptian corn-vessels? 26. Who were the *Argentarii*? Explain *de mensæ scripturâ*. 27. Distinguish the *Argentarii* and the *Mensarii*. 28. Give an instance of the distinction not being observed. 29. Translate the passage from Livy (vi. 21.). 30. What is remarked about *Trapezita*? 31. Who were the *Feneratores*? Explain *Usura centesima*. 32. Distinguish *Sors* and *Usura*. 33. Explain *versuram facere* — *versuram solvere*. What is meant by *pignoribus oppositis*? 34. Why are the *Calendæ* called *tristes*? 35. How did Augustus endeavour to check usury?

CHAPTER XXXVII. *Domestic or Private Life.* (p. 292.) — 1. When did luxury first make its inroads? 2. What remark is made upon the Roman character? 3. Describe the buildings erected

from the time of the Punic Wars. 4. Explain the use of the *hypocaustum* and the *Lapis specularis*. 5. Describe the *Atrium*. Explain *ligna acapna*. 6. What was the *impluvium*? Explain *compluvii lumen*. 7. Distinguish *cubicula diurna* and *cubicula dormitoria*. 8. Distinguish *Trickinia* and *Diaeta*. Explain *sole uti*. 9. What was the *fastigium*. Explain *operi fastigium imponere*. 10. Distinguish *pavimenta sectilia* and *pavimenta tessellata*. 11. What is remarked about the ceilings and the lamps of the ancients? 12. What was the extent of the *patria potestas*? 13. When did it cease? 14. Define *Connubium*. 15. Explain *sponsalia* — *Annuli pronubi*. 16. Describe marriage by *confarreatio*. 17. What was the effect of it? 18. Describe marriage by *coemptio*. 19. What name did the woman assume? Give instances. 20. When did *Uscaptio* take place? 21. Why was Juno called *Pronuba*? 22. Translate the passage from *Ov. (Fasti v. 490.)*. 23. What was the *Flammeum*? Explain *Nubere*. 24. Translate and explain the passage from *Ov. (Fasti ii. 560.)* 25. Explain *ducere uxorem*. 26. Who were the *Paranymphæ*? Explain *faces nuptiales*. 27. Explain *ubi tu Caius, ibi ego Caia*. 28. What did the bride receive upon her entry? 29. What etymology does Servius give of *uxor*? and why? 30. Explain *nuces relinquere*. 31. Explain *ad officium venire*. 32. What were the *Apophoreta*? Explain *reposita*.

CHAPTER XXXVIII. *Domestic or Private Life.* (p. 301.)—

1. Describe the mode of making a divorce. Explain *renunciatio matrimonii*. 2. In what case was the dowry restored? 3. What was the consequence of allowing the liberty of divorce to women? 4. How were marriages contracted by *confarreatio* and *coemptio* dissolved? 5. Why was *univira* considered an epithet of honour? 8. Translate the passage from *Columella*. 9. What did the Tribune C. Oppius propose? 10. What is remarked about the education of daughters? 11. Explain the passage from *Ovid*. What was the regulation of Augustus? 12. In what respect were the Roman ladies inferior to the Greek? 13. What is remarked about the education of boys? 14. Describe its character before the Romans became acquainted with the Greeks. 15. When did Grecian education first begin to prevail? 16. Describe the course of education now pursued. 17. Why was a knowledge of the Greek language particularly necessary? 18. What is remarked about corporal exercises? 19. What general remark is made about the education and character of the Romans? 20. About the *Imagines*?

CHAPTER XXXIX. *Domestic or Private Life.* (p. 308.)—1. What was the *tunica*? 2. Explain *tunicæ manicatæ, talares, fimbriatæ*. 3. Why was a dissolute spendthrift called *discinctus nepos*? 4. Translate the observation of *Sylla*. 5. Explain *zonam incinctus mercator*. 6. How does *Juvenal* use *discingo*? 7. Distinguish *Subucula* and *Indusium*. 8. Distinguish *Tunica Angusticlava*

and *Tunica Laticlava*. Explain the mode. 9. By whom and on what occasion was the *Tunica Jovis* worn? 10. Describe the *toga*. Explain *toga rotunda*, *Lacinia*. 11. What was the *Umbo*? Why so called? Explain *componere togam*. 12. Distinguish *toga alba* and *toga candida*. 13. Explain *candidati*, *cretata ambitio*. 14. By whom were the *toga pulla* and the *toga sordida* worn? 15. Why was the modesty of matrons called *stolatus pudor*? 16. Why was the *toga prætexta* so called? Explain *purpura custos*. 17. Explain *Amicitia prætextata* and *mores prætextati*. 18. At what age was the *Toga virilis* assumed at different periods? 19. Explain *attingere forum* — *Cohibere*. 20. What was the *Cinctus Gabinus*? Explain *in procinctu esse*. 21. Explain *accingere se operi* v. *accingi*. 22. What were the *togæ pææ*? 23. Explain *festos albatu celebrare*. 24. Why was the *toga virilis* called *pura*? Why *libera*? 25. Explain *laribus donata pependit*. 26. Describe the ceremony of changing the *toga*. 27. What is remarked about the *toga* of the rich? Explain *exigua toga Catonis*. 28. To what is *Togati* opposed? and why? Explain *Lis nunquam, toga rara*. 29. Distinguish *sagum, læna, penula, and abolla*. 30. Distinguish *palla* and *stola*. 31. Distinguish *Pileus, galerus, and petûsus*. 32.

CHAPTER XL. *Domestic or Private Life*. (p. 315.) — 1. With what did the Roman ladies brighten their hair? 2. What was the *crinalis acus*? Explain *coma calamistrata, in gradus formata*. 3. What was the *reticulum auratum*? Explain *vittæ tenues, insigne pudoris*. 4. Enumerate the different sorts of paint. 5. What was the *Poppæanum*? 6. What were the *monilia, inaures*? Translate the passage from Sen. (*de Ben.* vii. 9.). 7. What is remarked about luxury in apparel? 8. Distinguish *Vestis Serica* and *Vestis Holoserica*. 9. What is stated about the importation and price of silk? 10. Explain *multicia*. What did the *Lex Oppia* enact? 11. Enumerate and explain the different sorts of garments. 12. What were the *annuli*? Explain *aurum semestre*. 13. What were the *gemmæ, annuli signatorii*? 14. Explain the passage from Juvenal (i. 68.). 15. What other ornaments are mentioned? 16. Distinguish *soleæ* and *calcei*. 17. Why called *calcei repandi*? 18. Enumerate the shoes which distinguished different classes.

CHAPTER XLI. *Domestic or Private Life*. (p. 321.) — 1. What is stated about the science of cookery among the Romans in the time of Plautus? 2. After the victories of Manlius? 3. Enumerate the various *leges Sumptuariae*. 4. What did the *Lex Fannia* enact? 5. Translate the passage from Suetonius (*Cal.* 13.). 6. How was wine drunk? Explain the passage from Juv. (vi. 302.). 7. What law is mentioned? What is remarked about the Tuscan fashion? Explain *Tyrrhæni pingues*. 8. What was the *Mustum*? Explain *musteus Liber*. 9. What was the *fumarium*? Explain *languidiora vina*. 10. What were the *vina colaria*? Why employed? 11. How long were wines kept? 12. What was marked on each cask? 13. What is meant by *interior*

nota Falerni? 15. What were the *horrea*? 16. Explain *retinere* v. *delinere cadum*, *vertere cadum*. 17. What wines are particularised? 18. Distinguish *promulsis*, *prandium*, and *cæna*. 19. Explain *missus*. Distinguish *gustatio* and *caput cænæ*. 20. Explain *mensæ secundæ* and *ab ovo usque ad mala*. 21. Why was the supper room termed *Triclinium*? 22. Describe the mode of reclining at supper. Explain in *sinum recumbere*.

CHAPTER XLII. *Domestic or Private Life.* (p. 327.) — 1. Who was the *Archimagistrus*? 2. Distinguish *Structor* and *Carpitor*. 3. Why called *Chironomon*? 4. Explain *præbere cænâ ternis ferculis*. 5. How were the guests entertained during supper? Who were the *Anagnostæ*? 6. Who was the *Arbiter bibendi*? Explain *culpâ potare magistrâ*. 7. Explain *Tempestivum convivium* (see note). 8. Explain *cum coronâ ebrius*. 9. Why was a splendid banquet termed *Augustalis*, *Saliaris*, &c.? 10. What was the *Cæna recta*? By what superseded? 11. When and why were emetics taken? 12. Enumerate the different parts of a bath. Explain their uses. 13. What was paid to the bath-keeper? Explain the passage from Juv. (ii. 152.). 14. Who were the *Aliptæ*? What were their instruments? 15. What were attached to Baths? 16. Describe the *pila trigonalis* v. *trigon*. 17. Explain *ludere raptim*, *datatim*, *expulsim* (*pilam geminare volantem*). 18. Distinguish *Tessera* and *Tali*. 19. Mention the different marks. What was the *jactus venereus*? 20. What were the games called *par*, *impar* — *duodecim scripta*? 21. Explain *unam calcem non posse ciere*. 22. What were the *Collegia sodalitia*? 23. What is deduced from the *Leges sumptuariæ*?

CHAPTER XLIII. *Domestic or Private Life.* (p. 333.) — 1. What was the *nuncupatio Testamenti*? Explain *Holographum*. 2. Explain *cera prima* and *extrema*. 3. What were the *codicilli*? 4. What were mentioned in the *prima cera*? What in the *extrema*? 5. Explain *hæres ex asse*, *semisse*, *triente*, &c. 6. Enumerate the different kinds of guardians. 7. Distinguish *cernere hereditatem*, and *adire hereditatem*. 8. What was the object of the *Cenotaphium*? Explain *ritè condere manes*. 9. Mention the Ceremonies in use at the point of death. 10. Explain *conclamatum est*. 11. Who were the *Pollinctores*? Translate the passage from Martial (iii. 12.) 12. What was sold at the temple of *Venus Libitina*? Translate the passage from Hor. (Ep. ii. 1. 49.). 13. How was the body dressed? Explain *abiisse ad Acherontem sine viatico*. 14. Why is the cypress termed *atra*, *feralis*? 15. When was the corpse carried out (*efferebatur*)? Explain *funera indictiva*. 16. Distinguish *feretrum* and *sandapila*. Who were the *designatores*? 17. Describe the order of the procession. 18. Explain *nenia* — the office of the *Archimimus*. 19. What is remarked about the *imagines majorum*? 20. Why were the emancipated slaves *pileati*? 21. What is stated about burying within the city. 22. Distinguish *cremare* and *humare*. 23. Explain *suggrundarium*, and

bidental. 24. Distinguish *funus indictivum, publicum, and colativum, translativum*. 25. Where were the chief places of burial? 26. Distinguish *Sepulchra privata v. singularia* and *Sepulchra communia*. *S. familiaris* and *S. hereditaria*. 27. What is stated about the *Campus Esquilinus*? Explain *cippus*. 28. Describe the mode of burning the dead. 29. Explain *decurrere*—*Orbe sinistro*. 30. Who were the *Bustuarii*? 31. Explain *ossilegium*. Where were the ashes deposited? 32. Distinguish *Sepulchrum, Monumentum, Tumulus, Cinerarium*. 33. What were the *Inferiæ v. Parentalia*? Explain *parentare regi sanguine conjuratorum*. 34. Explain *Visceratio, Justitium*. 35. What is remarked about mourning? Explain *focus perennis*. 36. What were the ceremonies of *Apotheosis*?

CHAPTER XLIV. *Agriculture*. (p. 343.)—1. Give instances of names being derived from Agricultural occupations. 2. What is remarked by Niebuhr? 3. How much land was allotted to each citizen by Romulus and Numa? 4. Who were the *Coloni*? Why termed *Partiarii*? 5. Enumerate the different parts of the *Aratrum*. 6. Distinguish *Sulcus* and *Lira*. Explain *delirare*. 7. Distinguish *Ager restibilis* and *Novalis*. 8. Explain *adorea*. 9. What is stated about *Hordeum* being converted into ale? 10. Describe the mode of cutting down corn—of beating out the grains. 11. How was the corn winnowed? 12. Distinguish *Pala* and *Stramen*. Explain *culmen*. 13. What is remarked about the fondness of the Romans for gardens? Explain *hortus indiligens, pinguis*. 14. Describe the gardens. Explain *topiariam facere*. 15. How were vines planted, disposed and supported? 16. Explain *vites palare, vites compescere*. 17. What were the *limes*? 18. Which was called *decimanus*? Which *cardo*? 19. Explain *Agri compaginantes*. Explain *Fluctus decimanus*.

CHAPTER XLV. *Carriages*. (p. 350.)—1. What was the *chitella*? Explain *chitellæ bovi sunt impositæ*. 2. Why were the soldiers of Marius called *Muli Mariani*? Explain *expellere furcâ*. 3. What is remarked about the *Lectica*? Explain *pensiles plumæ*. 4. Explain *Lecticarii longi*—*succollare aliquem*—*hexaphoros*—*octophoros*. 5. What was the *traha, unarota*? 6. Distinguish *Quadrigarii* and *Desultores*. 7. Explain *conspicuum signis ebur*. 8. Distinguish the *pilentum* and *Carmentum*. 9. What was the *Thensa*? 10. What is remarked about the *essedum*? 11. Describe the method of yoking horses. Explain *funales Equi*. 12. Enumerate the instruments by which animals were driven or excited? 13. By which they were restrained? 14. Explain *temone sedebat*—*currum equosque sustinere*. 15. What was the *sufflamen*?

CHAPTER XLVI. *The Roman Day and Year*. (p. 354.)—1. Enumerate and explain the phrases signifying the different portions of the day and night. 2. What is the evening star termed? 3. When did the civil day commence? 4. Into how many *vigiæ*

was the night divided? 5. What was the *horologia solaris v. sciaterica*? 6. How was the midday determined before the introduction of dials? 7. Where were the *clepsydræ* most in use? 8. Explain *sustinere aquam, dare, petere clepsydras*. 9. Of how many days did the months in the year of Romulus respectively consist? 10. What is stated about the year of *ten months*? 11. Of how many days did the months in the year of Numa respectively consist? 12. How was the year of Numa fettered and why? 13. Give the etymology of *Idus*. 14. When did the *ides* fall? 15. Why was the first day of the month called *Calendæ*. 16. Explain *Nonæ*. 17. What remark is made. 18. What was the *Octatēris*? 19. When introduced? 20. Of how many days did the intercalary month consist? 21. How did the insertion of this month affect the dating of the months of February and March? 22. Give the passages in evidence from Livy (xxxvii. 59.), and Cicero (*pro P. Quintio*, 25.).

CHAPTER XLVII. *Roman Day and Year*. (p. 361.)—1. What office gave authority to Cæsar to regulate the Calendar? 2. How did he effect this? When? 3. Whom did he employ? 4. How were the months respectively altered by the insertion of the additional ten days? 5. What was done in order that the religious festivals might not be disturbed? 6. In what did the Roman method of dating differ from ours? 7. Explain the Roman method. 8. Explain why the eighth day before the *ides* was termed *nonæ*. 9. How must the Roman dates be accommodated to our Calendar? 10. Give instances. 11. Where was the intercalary day inserted? How, and why? 12. Explain *annus bissextus*. What is remarked about the term *bissextilis*? 13. What is remarked about the neglect of the *Pontifices*? 14. How did Augustus remedy this neglect? 15. What other innovations are mentioned? 16. What is stated about the *nundinæ*? 17. What has rendered the Roman mode of reckoning the year uncertain?

CHAPTER XLVIII. *Palæography*. (p. 369.)—1. What material was most in use for writing? 2. Describe the mode of converting the inner bark of the *papyrus* into paper. 3. Explain *Charta dentata*. 4. Enumerate the different sorts of paper. 5. Distinguish *Charta bombycina* or *gossypina* and *Charta lintea*. 6. Describe the mode of forming sheets into a volume. 7. Why was the first sheet termed *πρωτόκολλον*? 8. What was the *umbilicus*? Explain *ad umbilicum adducere*—*bis in umbilicis decoratus liber*. 9. Explain *in chartâ aversâ, in tergo, Opisthographus*. 10. What was the *Index*? How written? 11. What was the office of the *capsarii*? 12. What is remarked about the “ink” and the “inkhorns” of the ancients? 13. Whence was the *calamus* imported? 14. What were the *literæ quadratæ*? 15. What is stated about punctuation, &c.? Explain *versus*. 16. What was the *Stylus*? Describe it. 17. Explain *sæpè stylum vertas*. 18. What is meant by *limæ labor*? Explain *opus limare, limâ mor-*

dacius uti. 19. Translate the passage from Ovid (*Pont. i. 5. 29.*). 20. What were the *pugillares*? Explain *ceris et stylo incumbere*. 21. Whence may the *stileto* of the modern Italians have arisen? 22. How were letters divided in the time of Cicero? Describe the formality of a Roman letter. 24. Explain *lino obligare — epistolam resignare*. 25. Distinguish *Servi a pedibus* and *Servi a manu*.

CHAPTER XLIX. *Palæography.* (p. 377.)—1. Distinguish the *litera semiquadrata*, and the *litera cursivæ v. minuscule*. 2. What were the *σημεία v. notæ*? 3. Why have they occasioned errors? 4. What do these abbreviations consist of? 5. When invented? Received under what title? 6. How was it customary to employ transcribers? 7. How may errors have arisen? 8. What is remarked about the negligence of transcribers? 9. What did the Authors do for the propagation of their works? 10. Explain the passage from Martial (*vii. 16.*). 11. What is stated about Livius Andronicus? 12. What were the *πάτριοι ὕμνοι*? 13. The *carmina Saliaria, Aramenta*? 14. What is remarked about the festivities in honour of Faunus? 15. Explain *carmen amabilem*. 16. Of what did the *Jus Papirianum* consist? 17. What is remarked about the *Tabulæ decemvirales*? 18. What theatrical farces are mentioned? 19. When and why was the *columna Rostrata* erected?

CHAPTER L. *Archæology.* (p. 383.) 1. —What does Archæology comprise? 2. Whence did the Romans derive their acquaintance with art? 3. Mention the observation of Cato. 4. Explain *anteſtra fictilia*. 5. What events are mentioned as contributing to render Rome the storehouse of Grecian works of art? 6. Translate the passage from Virgil (*Æn. vi. 847.*). 7. To what is *proplasmata* applied? 8. What are the *Anaglypha figurina*? 9. How do you explain the passage from Hor. (*Sat. i. 5. 32.*)? 10. Distinguish *γλύφειν* and *ξέειν*. 11. Why are complete figures termed *περιφανή*? 12. What wood and what instruments were used in carving? 13. What does the *ars statuaria* comprise? 14. Explain *σφυρήλατα* and *temperatura*. 15. Enumerate the different modes. What is stated about the gradations of colour? 16. Distinguish *æs caldarium*, and *æs coronarium*. 17. Define *sculptura*. Distinguish *περιφανή* and *ἀνάγλυφα*. 18. Enumerate the principal kinds of stone employed. 19. What is meant by *circumlitio*? 20. What is meant by *monoliths*? 21. Why have mistakes been made on this subject? 22. How were the figures brought nearer the reality of life? 23. Distinguish colossal statues from the *statuæ iconicæ*. 24. What epithets are given to statues in reference to their drapery? 25. Explain *symplegmata* and *Thorāces*. 26. What does *cælutura* embrace? 27. Give the etymology of *τορευτική*, and the reason of it. 28. Distinguish *cælutura* and *sculptura*. 29. What took place in the progress of the art? 30. To what is *sculptura* applied? 31.

Explain *sigillum*. 32. Distinguish the *Gemmæ diaglyphicæ* or *Intagli* from the *Gemmæ anaglyphicæ* or *camei*. 33. Whence may *camei* be derived? 34. Why was a ring termed *δακτύλιος*? What were the *Dactyliothecæ*? 35. Distinguish *capita jugata, aversa, and adversa*. 36. What is stated about the art of coining? 37. Explain *nummi aërosi* v. *incoctiles*. Under what Emperor? 38. Enumerate the names of different coins. From whence derived? 39. Distinguish *serrati* and *contorniati*. 40. What is meant by the *face*, the *revers*, the *legende*, and *inscription* of a coin? 41. What officers were appointed to superintend the coinage? 42. When did the S. C. disappear from gold and silver coins? 43. Explain *nummi subæcati, pelliculati*.

CHAPTER LI. *Archæology*. (p. 394.)—1. How did painting originate? Explain *adumbrare*. 2. Explain ἀπόχρωσις σκιᾶς. 3. Explain *monogrammi* v. *lineamenta*. 4. Distinguish *adumbrare* and *lineamenta ducere*. 5. What is stated about the materials and instruments employed in this art? 6. What does λευκογράφειν signify? and why? 7. Distinguish *singulis coloribus* from *simplici colore*. 8. Explain μονοχρώματα. 9. Enumerate the different sorts of colours. 10. Distinguish *colores austeri* and *colores floridi*. 11. Distinguish painting in *udo* and in *cretula*. 12. Explain *Encaustic proper*. 13. What directions does Vitruvius give for the other species of *Encaustic*? 14. How may Mosaic paintings be imitated? 15. Distinguish *pavimenta sectilia* and *pavimenta tessellata*. 16. In what did the Mosaic painting exhibit its greatest perfection? 17. Define Architecture. 18. Explain λίθοι λογάδες. 19. Distinguish *Isidomum*, *Pseudisidomum*, and *Emplekton*. 20. To what mode is *incertum* v. *antiquum* applied? To what *reticulatum*? 21. What is the Entablature? Of how many parts does it consist? 22. Why is the Architrave termed *epistylum*? 23. Where is the frieze situated? 24. From what does it derive its name? and why? 25. Why called Ζωύφωρος? 26. Explain Triglyphs and Metopes. 27. Distinguish *tænia* and *regula*. 28. Enumerate the necessary parts of the cornice. 29. Distinguish the *echinus* and the *Cyma*. 30. How was the Ionic entablature distinguished? 31. Explain *abacus* and *cauliculus*. 32. What is the capital? The *Hypotrachelium*? 33. Explain *scapus*, *apophyge*, and *plinth*. 34. Distinguish pedestal and Stylobate.

THE END.

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